



An
Bord
Pleanála

Inspector's Report

ABP-313504-22

Development	Permission for the proposed erection of a fully serviced dwelling house together with associated and auxiliary site works (replacement of original fire-damaged house)
Location	Nemestown, Kilmore, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20220211
Applicant(s)	Ciaran Frost.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Ciaran Frost.
Observer(s)	None.
Date of Site Inspection	29 th June 2023.
Inspector	Peter Nelson

1.0 Site Location and Description

1.1. The site is located in the village of Kilmore Quay and has a stated site size of 0.18 hectares. The site is located to the rear of a thatched cottage which is included on Wexford County Council's record of protected structures. (Ref: WCC0010). An existing entrance to the land served a dwelling which was demolished in 2018 after a fire. On either side of the site are access roads serving multiple dwellings. There is open land to the rear of the site which leads down to the shore.

2.0 Proposed Development

2.1. Permission is sought for a fully serviced single-storey dwelling and auxiliary site work, including a new entrance.

3.0 Planning Authority Decision

3.1. Decision

Wexford County Council refused planning permission on 13th April 2022 for the following reasons:

- The proposed development by virtue of its design, siting, revised access arrangements and proposed boundary treatment would have an adverse impact on the setting of the adjoining protected structure. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
- The proposed development by virtue of the proposed layout, access and boundary treatment would have an adverse impact on the character and grain of the historic core of Kilmore Quay Village. 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 planning report dated 8th April 2022 reflected the decision to refuse and can be summarised as follows:

- The contemporary design does not reflect the vernacular architecture of the area.
- The proposed dwelling's position on the site impacts the character and grain of the older settlement layout.
- The proposed access road is excessive for a single house and is inappropriate in the historic core of Kilmore.
- Given that two lanes bound the site, an additional laneway serving the applicant's land to the rear is unacceptable as it would impact the character of the village and protected structure.
- The proposed dwelling would significantly impact the setting of the protected structure.

3.2.2. Other Technical Reports

The Roads Inspection Report dated 21st March 2022 requested the following Further Information:

- Sightlines have been incorrectly measured; please submit revised drawings to clearly show that 65m sightlines are achievable, measured from a point 2m back from the edge of the road at the centre of the proposed access point to the near edge of the road.

3.3. Prescribed Bodies

None were received on the planning file. I note that a pre-connection enquiry from Irish Water to the applicant's agent was submitted with the planning application.

3.4. Third Party Observations

None Received.

4.0 Planning History

P.A. Ref.:20082456, ABP Ref.: PL26.232257: Permission granted on the 6th July 2009 for the demolition of the existing dwelling and the proposed erection of 4no.dwellings which were served by the existing laneway to the south of the site. This laneway is not included in the current application. The appropriate period for this application was extended until 5th July 2019.

P.A. Ref.:01/1296, ABP Ref.: PL26.127840: Permission refused on the 9th August 2022 for the demolition of an existing house and the proposed erection of 9no. fully serviced dwellings houses for the following two reasons:

- Having regard to the existing roadway along the north-eastern boundary of the site, it is considered that the proposed development, incorporating the construction of an additional parallel access road and the creation of a new entrance onto the public road in Kilmore Quay, would constitute disorderly development, would unnecessarily interfere with the character of the village and the setting of a protected structure and would involve the unnecessary demolition of a habitable house. The proposed development would, therefore, be contrary to the proper planning and development of the area.
- It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the new entrance would generate on the public road, in close proximity to other existing entrances, at a point where sightlines are restricted.

5.0 Policy Context

5.1. Development Plan

The Wexford County Development Plan 2022-2028 is the operative Development Plan for the area. This plan came into effect on 25th July 2022.

In the Core Strategy, Kilmore Quay is categorised as a Level 3b Strategic Settlement. The stated development approach for Level 3b Strategic Settlements is to:

- Tailor population growth for each settlement having regard to their existing baseline populations, potential for economic development and infrastructural capacities. When allocating population, regard was also had to the rate and pace of past development and the need to deliver social and community facilities to keep pace with recent development e.g., Bridgetown.
- Apply the sequential approach to the development of land, requiring residential development to take place within the existing footprint of the settlement. The leap frogging of infill/brownfield lands to undeveloped or greenfield lands will not be considered.
- Promote economic and enterprise development appropriate in scale to the settlements, such as expanding the potential of the marine economy and tourism in Kilmore Quay and developing the tourism potential of Kilmuckridge and Wellingtonbridge.
- Support learning, education and training initiatives, economic regeneration initiatives and enterprise to address unemployment and deprivation legacies which are evident in some of these settlements, e.g., Clonroche, Taghmon, and Bridgetown.
- Focus on maximising opportunities presented to settlements located on, or in close proximity to planned greenway routes, rail lines and the coast.
- Focus on the regeneration and renewal of these settlements.
- Ensure that new development contributes to the creation of attractive, liveable, well-designed, high-quality settlements and the local communities enjoy a high quality of life and well-being.

- Support community organisations who are working to develop community facilities and promote and facilitate initiatives in the public realm.
- Protect and enhance amenities, heritage, green infrastructure and biodiversity in these settlements.

Objective CS05

To ensure that at least 30% of all new homes that are targeted in settlements are delivered within the existing built-up footprint of the settlement.

Objective BH07

To ensure development within the curtilage of a Protected Structure is compatible with its character. This does not preclude putting forward innovative contemporary designs that respect the context of the Protected Structure.

Objective TV21

To ensure that all new development is designed to respect, enhance and respond to its natural, built, cultural and social context and add to character and sense of place.

Objective TV08

To ensure, through the development management process and in local authority own development, that new development adds to the sense of place, quality, distinctiveness and character of our towns and villages.

5.2. **Natural Heritage Designations**

Saltee Island Special Area of Conservation is located approximately 0.2km from the site.

5.3. **EIA Screening**

Having regard to the nature of the development comprising a single dwelling within a village, 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 can be summarised as follows:

- The proposed development on a serviced site in the Kilmore Quay Village would not seriously injure the visual or residential amenities of the area or be prejudicial to public health.
- The proposed development will be in strict accordance with the Wexford County Development Plan 2013-2019.
- The replacement dwelling is a modest low-level single-storey contemporary design that will not be visible from the public road and shall have no adverse impact on the protected structure.
- The proposed dwelling is a fusion of modern and traditional and complimentary to the historic built nature of Kilmore Quay.
- The upgrade of the existing entrance will give safe access to the site and will use the existing stone walls to create a new natural vernacular stone wall which will not have a negative impact on the character of the village.
- The applicant is happy to construct an entrance without a setback.
- The access is to serve the lands at the rear for future development. It is not an option for any agreement with third parties outside of the subject site.
- Clear boundary details have been submitted with the planning application.
- The boundary details could have been conditioned.

6.2. Planning Authority Response

The response of the planning authority can be summarised as follows:

- Issues of concern are outlined in the planner's recommendation report and no further comments will be provided.
- If permission is granted, specific conditions ensuring the retention of the existing stone wall to the public road and the existing mature hedgerow are recommended.

6.3. **Observations**

- None

7.0 **Assessment**

7.1. Wexford County Council considered the proposed development under the Wexford County Development Plan 2013-2019. As noted in section 5.1 above the current operational plan is the Wexford County Development Plan 2022-28.

7.2. Having examined the application details and all other documentation on file, carried out a site inspection, and having regard to the relevant local/regional/national policies and guidance, I consider that the key issues on this appeal are as follows:

- Siting and Design
- Access
- Appropriate Assessment

7.3. **Siting and Design**

7.3.1. The proposed dwelling is a single-storey structure, with two sections of the building having simple A-framed roofs and the other a flat roof. The architecture of the building is simple and contemporary. The elevations of one of the A-framed elements will be finished in white lime or coloured render. The remaining structure will be clad in black aluminium. It is considered that the proposed dwelling is an acceptable contemporary interpretation of vernacular village architecture. The historic village of Kilmore Quay has various dwelling types and designs, including thatched cottages. The site is to the rear of a thatched cottage which is a protected structure. At its

closest point, the new building will be c. 11m from the boundary with the protected structure and c. 13m from the building. I consider that given the location of the proposed dwelling to the rear of the protected structure, its low scale and suitable design, it will not be seriously harmful to the architectural character of the protected structure or its curtilage.

7.3.2. I note that the grain Kilmore Quay village is made of historic cottages facing either parallel or perpendicular to the road. The more recent development in the village is more sporadic, with various backland and infill dwellings at irregular angles to the road. The orientation of the houses directly to the northeast of the appeal site are at an irregular angle to the road. Given the orientation of the existing backland dwellings in the village, I do not consider that the siting of the proposed dwelling will significantly impact the grain or the character of the village. I consider that the dwelling's design, scale and orientation will not seriously harm the protected structure or the character of Kilmore Quay.

7.4. Access

7.4.1. The planning report raises concerns about the width of the access and its impact on the village's character. In the appeal, the applicant states that the proposed upgrade of the existing entrance is for a new access to the replacement dwelling but also to retain an access to the field to the rear for the use of the applicant's family. As noted in Section 1.1, on either side of the site are access roads serving multiple dwellings. Another access point would result in three access points, serving multiple dwellings within a space of 40m. I note that one of the reasons for the refusal of a proposed development of 9no. dwellings on this site which incorporated the construction of an additional parallel access road and the creation of a new entrance onto the public road, stated it would constitute disorderly development.

7.4.2. The proposed access road is 6m wide, and the creation of the entrance would result in the removal of approximately 8m of the existing low stone wall. I consider the proposed widening of the entrance to allow a separate access road would adversely impact the character and grain of the historic core of Kilmore Quay Village and lead to disorderly development. I considered that the access to the lands to the rear of the appeal site should be assessed as part of an overall development proposal for these

lands. I also considered that removing the existing boundary wall would significantly negatively impact the setting and character of the protected structure. The Planner's Report stated that the appropriate site lines in urban areas could be easily provided by the existing entrance and low walls. Given the existing height of the existing walls and the 2m setback from the road, I consider that adequate sightlines that comply with DMURS guidelines can be achieved for this village location. If the Board is minded to grant permission, I recommend that a condition be attached, omitting the proposed entrance and requiring the retention of the existing entrance and boundary wall.

7.5. Appropriate Assessment

- 7.5.1. Having regard to the minor nature and scale of the proposed development, the site location within a village boundary outside of any protected site and the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European Site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. I recommend that permission be granted for the proposed development based on the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the location within the settlement area of Kilmore Quay, it is considered that the proposed development would not seriously injure the amenities of the area or property in the vicinity and would not be harmful to the setting of the adjoining protected structure. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed entrance shall be omitted. The existing entrance and boundary walls shall be retained and repaired where necessary.</p> <p>Reason: In the interest of the setting of the protected structure.</p>
3.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
4.	<p>Details of boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of residential and visual amenity.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p>

6.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Peter Nelson
Planning Inspector

6th July 2023