



An
Bord
Pleanála

Inspector's Report ABP-313951-22

Development	Erect a single storey dwelling, create a new site entrance, connect into existing mains public services, together with all associated site works, on the land in existing garden area, beside existing bungalow.
Location	No. 2 Ocean Crest Estate, Arklow, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	22388
Applicant(s)	Marcus Brauders
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Appellant(s)	Marcus Brauders
Observer(s)	None.
Date of Site Inspection	20 th December, 2022
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located at No. 2 Ocean Crest Estate, Arklow, Co. Wicklow, approximately 650m south of the town centre and 400m west of the harbour, in an established residential area on the eastern periphery of the town with Arklow Golf Course a short distance to the southeast. The surrounding area is typified by a low-density pattern of suburban development which is predominantly characterised by detached, single-storey and dormer-style houses on substantial plots. The site itself has a stated site area of 0.037 hectares, is broadly rectangular in shape, and comprises the side garden area of an existing single-storey bungalow (with a free-standing shed located to the rear of the property). It is bounded by existing housing to the north and south, the public road to the east, and by undeveloped greenfield lands to the west.

2.0 Proposed Development

- 2.1. The proposed development consists of the subdivision of an existing housing plot and the construction of a single-storey, detached, bungalow-type dwelling within the side garden area of No. 2 Ocean Crest Estate. The proposed dwelling house is of a conventional design with a stated floor area of 116.46m² and an overall height of 4.75m. It is based on an elongated and narrow floor plan with an asymmetrical front elevation incorporating a hipped roof front projection. The building line is to be staggered between those of the neighbouring properties to the immediate north and south. Associated site development works include the decommissioning of two sewer lines that pass through the property, a new independent vehicular entrance from the adjacent public road, car parking, boundary treatment, and landscaping. Water and sewerage services are available via connection to the public mains.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 3rd June, 2022 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:

- Having regard to:
 - a) The location of the development in an area, which is an area predominantly characterised by dwellings on large plots.
 - b) The restricted nature of the site in comparison to the existing sites within the estate.
 - c) The location of the development on lands zoned RE in the Arklow and Environs Local Area Plan, 2018, which seeks to protect, provide and improve residential amenities of existing residential sites.

It is considered that the proposal would result in the unequal subdivision of the original plot, would result in overdevelopment of this area, would be out of character with the existing pattern of development in the area, and would set an undesirable precedent for similar subdivision of plots within the area. The development would therefore be contrary to the zoning objective of the area, would seriously interfere with the amenities and of properties in the vicinity, and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. *Planning Reports:*

Details the site context, planning history, and the applicable policy considerations, including the applicable land use zoning (RE) which seeks to protect, provide, and improve the residential amenities of existing residential areas and to provide for house improvements, alterations & extensions, and appropriate infill residential development in accordance with the principles of good design and the protection of residential amenity. It proceeds to refer to the site location outside of the centre of Arklow town in an area characterised by large housing plots and a low density pattern of development. It subsequently states that the proposal would be out of character with the surrounding area and contrary to the land use zoning objective by reason of overdevelopment. The broader design and layout of the proposal is deemed acceptable, and it is further noted that the proposed dwelling will not overlook or overshadow adjacent properties. The report concludes by recommending that permission be refused for the reason stated.

3.2.2. **Other Technical Reports:**

Arklow Area Engineer: No comments on roads or drainage.

3.3. **Prescribed Bodies**

Irish Water: No objection, subject to conditions, although the following requirements are of note:

- The new wastewater treatment plant in Arklow will be required to be in operation before the connection of the dwelling can be facilitated.
- The existing 150mm wastewater sewer across the site is to be abandoned. It would be preferable for the applicant to use this as a connection to the Irish Water wastewater network rather than connecting to a manhole in the adjacent property.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

4.1. **On Site:**

PA Ref. No. 21/1069. Application by Karina Brauders for permission for the erection of a single storey dwelling, create a new site entrance, connect into existing mains public services, together with all associated site work, on the land in existing garden area beside existing bungalow. This application was withdrawn.

5.0 **Policy and Context**

5.1. **National and Regional Policy**

- 5.1.1. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' note that in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided

either by infill or by sub-division. In respect of infill residential development potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. 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 the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

5.2. Development Plan

5.2.1. ***Wicklow County Development Plan, 2022-2028:***

Chapter 2: Overall Strategy:

Section 2.4: Development Plan Strategy:

Section 2.4.3: Strategic County Outcomes:

SCO1: Sustainable Settlement Patterns & Compact Growth:

- The delivery of compact growth in all towns and villages by capitalising on the potential for infill and brownfield development, moving away from a reliance on greenfield development and creating places that encourage active lifestyles is essential for the successful delivery of the development plan strategy.

Chapter 3: Core Strategy:

Section 3.3: Settlement Hierarchy:

Table 3.3: Wicklow Settlement Hierarchy:

Level 3: Core Region: Self-Sustaining Growth Towns: Self-Sustaining Growth Towns with a moderate level of jobs and services – includes sub-county market towns and commuter towns with good transport links and capacity for continued commensurate growth to become more self-sustaining: *Arklow*

Chapter 6: Housing:

Section 6.4: Housing Objectives:

CPO 6.3: New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard

of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

CPO 6.4: All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).

CPO 6.5: To require that new development be of the highest quality design and layout and contributes to the development of a coherent urban form and attractive built environment in accordance with the following key principles of urban design:

- Strengthening the character and urban fabric of the area;
- Reinforcing local identity and sense of place;
- Optimise the opportunities afforded by the historical and natural assets of a site / area;
- Providing a coherent, legible and permeable urban structure;
- Promoting an efficient use of land;
- Improving and enhancing the public realm;
- Conserving and respecting local heritage;
- Providing ease of movement and resolving conflict between pedestrians/cyclists and traffic;
- Promoting accessibility for all; and
- Cognisance of the impact on climate change and the reduction targets for carbon emissions set out by the Government.

CPO 6.16: To encourage and facilitate high quality well-designed infill and brownfield development that is sensitive to context, enables consolidation of the built environment and enhances the streetscape. Where necessary, performance criteria should be prioritised provided that the layout achieves well-designed high quality outcomes and

public safety is not compromised and the environment is suitably protected.

CPO 6.21: In areas zoned 'Existing Residential' house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space, see CPO 6.25 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.

CPO 6.22: In existing residential areas, small scale infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, on large sites or in areas where previously unserved, low density housing becomes served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.

Appendix 1: Development & Design Standards: Chapter 3: Mixed Use & Housing Developments: Section 3.1.6 Infill / backlands development in existing housing areas:

Many older housing areas were built at densities and in such formats that resulted in particularly large plot sizes. Where opportunities arise for infill or backland type development, the following standards shall apply:

- The site / plot must be capable of being developed in accordance with the density parameters set out for that area in the local area or town plan, or in any case in keeping with the prevailing density of the immediate area. Where no density limit is set (for example, in areas zoned 'existing residential'), the quantum of development that will be permissible will flow as a result of adherence to best development standards;

- The design of a new house should complement the area. Where an area has an established unique or valuable character worthy of preservation, particular care should be taken to match the style and materials of the area; however, where an area is a 'mixed-bag' of styles and periods, more flexibility can be applied;
- Particular attention will be required to be paid to the design and location of new windows, in order to ensure that the privacy of either the existing house on the plot or adjacent houses is not diminished;
- Gable walls abutting public areas (e.g. footpaths, car parking areas and open spaces) will not be permitted and a minimum separation of 0.9m will be required between the house gable and the side wall of the plot;
- Where the access route to a proposed development site is proposed to run alongside the external walls of the existing dwelling on the development plot or the external walls of a dwelling on an adjoining plot, there must be adequate separation available to facilitate the required driveway (normally 3m) and allow a 0.5m 'buffer' area alongside any existing dwelling. Any deviation from this standard must be evaluated on traffic safety and residential amenity grounds;
- The re-design of access and car parking arrangements for the existing dwelling on the plot must be clearly detailed, and permission included for same where required; developments accessed from a long narrow driveway must provide for the turning of vehicles within the site;
- Cognisance will be required to be taken of the potential of adjacent rear / side plots to be developed in a similar manner and separation between site boundaries, location of windows etc must not prejudice development options on the adjacent plot;
- New apartment developments dependent on access through existing established areas of predominantly single family homes will not be permitted.

5.2.2. **Arklow and Environs Local Area Plan, 2018-2024:**

Land Use Zoning:

The proposed development site is located in an area zoned as '*RE: Existing Residential*' with the stated land use zoning objective '*to protect, provide and improve residential amenities of existing residential areas*'.

Description: To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted.

Other Relevant Policies / Sections:

Chapter 2: Overall Development Strategy:

Residential Development Strategy for Arklow:

- To adhere to the objectives of the Wicklow County Development Plan in regard to population and housing as are applicable to Arklow.
- To ensure sufficient zoned lands are available at appropriate locations capable of meeting the housing needs of the projected population of the settlement area over the plan period in a sustainable manner. Notwithstanding the zoning of land for residential purposes, the Planning Authority shall monitor and implement the population targets as set out in the County Development Plan and shall phase and restrict, where necessary, the granting of residential planning permissions to ensure these targets are not exceeded.
- To promote and facilitate in-fill housing developments, the use of under-utilised / vacant sites and vacant upper floors for residential use and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.
- To promote and facilitate the redevelopment of sites in the town centre zoning, including the identified opportunity sites, where development will positively contribute to the commercial and residential vitality of the town centre.

- To promote and facilitate the in-depth development of the waterfront zone, for mixed-use development with a high concentration of residential use subject to a high standard of design, layout and finish.

Chapter 3: Residential Development:

Residential Development Objectives:

H1: All new housing developments shall be required to accord with the housing objectives and standards set out in the Wicklow County Development Plan.

H3: In order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to aim for the highest density indicated for the lands. The Council reserves the right to refuse permission for any development that is not consistent with this principle.

H6: To encourage in-fill housing developments, the use of under-utilised and vacant sites and vacant upper floors for accommodation purposes and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Arklow Town Marsh Proposed Natural Heritage Area (Site Code: 001931), approximately 800m north of the site.
- The Arklow Rock-Askintinny Proposed Natural Heritage Area (Site Code: 001745), approximately 1.6km south-southeast of the site.
- The Arklow Sand Dunes Proposed Natural Heritage Area (Site Code: 001746), approximately 2.4km northeast of the site.

5.4. EIA Screening

5.4.1. Having regard to the minor nature and scale of the proposed development, the site location within an existing built-up area outside of any protected site, the nature of

the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive 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 subject proposal amounts to infill development and is supported by the relevant policy provisions of the Arklow and Environs Local Area Plan, 2018 and the Wicklow County Development Plan.
- From a review of the Ordnance Survey Mapping, it is apparent that there is just enough space for a pathway along both sides of the dwelling houses at Nos. 23, 24, 25 & 26 Ocean Crest Estate to access the private open space to the rear of those units. This will also be the case regarding the proposed development.
- The land alongside No. 2 Ocean Crest Estate was left undeveloped because foul and storm water drains had been laid through this area with the intention of servicing the future development of the agricultural lands located to the rear of the Ocean Crest Estate. However, a CCTV survey of these pipes has found that they are both blocked by masonry and concrete and, therefore, it is proposed as part of the subject application that the pipework in question should be condemned and put beyond use.
- It is the applicant's understanding that whenever a developer lays pipework underground, he will usually retain ownership of the lands in question, however, in this instance, the land was sold as part of House No. 2 without encumbrance in that the developer did not even retain a right of way over the site to access the area over the sewer lines. It can only be presumed that the reason for this decision was because the developer knew the pipework was blocked and thus opted to maximise the sale price of House No. 2 by

including the additional strip of land with it. This is the explanation for the inclusion of that area to the side of No. 2 Ocean Crest Estate within its curtilage and if this land were to be developed as proposed it would not result in the private rear garden of the existing dwelling being smaller than those of neighbouring properties.

- The proposed dwelling has been designed to appear as a smaller version of the house type found at Nos. 23, 24, 25 & 26 Ocean Crest Estate with similar external finishes.
- The Wicklow County Development Plan is in favour of infill housing in existing developed areas provided it does not unduly detract from the amenity of surrounding properties etc. In this regard, care has been taken to ensure that the subject proposal adheres to the good design guidelines suggested by the Development Plan. The proposed dwelling has been provided with adequate private open space, will not overlook neighbouring properties, is of a low building height, and includes provision for two on-site car parking spaces. Moreover, it will be a detached property with access to the rear garden on both sides of the house and for this reason it will fit seamlessly into the established streetscape. Furthermore, the design shares all the characteristics of the existing development and respects the density of the area. Therefore, the proposal will not reduce to an unacceptable degree, the level of amenity enjoyed by existing residents in the area.
- The proposed development site is located in Arklow (designated as a Large Growth Town II) and is within a 15-minute walking distance of a train station which lends further support to a higher density of development.
- The applicant was raised in the family home at No. 2 Ocean Crest Estate and attended school locally. He now works in the town and presently resides in rented accommodation with his partner. He has never owned a house and is not in a position to purchase a large house in the Ocean Crest Estate.
- In keeping with the Wicklow County Council Housing Strategy, the subject proposal will ensure that a house is available to persons with different levels of income in the Ocean Crest Estate.

- The proposed development complies with the Development Plan and will maximise efficiencies in water service provision, energy supply, and waste management, which are already in place on site.
- Nowhere in the County Development Plan is it stated that a small dwelling house cannot be incorporated into an area which is predominantly characterised by larger dwellings on substantial plots.
- Notwithstanding the unequal plot subdivision, the proposed dwelling will be detached in the same manner as surrounding housing and thus will not be of a restricted nature. Furthermore, the proposal will not result in the plot of House No. 2 being any smaller than that of neighbouring properties.
- Considering the low density pattern of development in the existing estate, the provision of an additional small site will not result in the overdevelopment of the area.

6.2. **Planning Authority Response**

None.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout
- Impact on residential amenity

- Other issues
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

- 7.2.1. With regard to the overall principle of the proposed development, it is of relevance in the first instance to note that the subject site is located in an area zoned as '*RE: Existing Residential*' in the Arklow and Environs Local Area Plan, 2018-2024 with the stated land use zoning objective '*to protect, provide and improve residential amenities of existing residential areas*' wherein appropriate infill residential development is permissible provided it accords with the principles of good design and ensures the protection of existing residential amenity. In addition, the surrounding area is residential in character while the prevailing pattern of development is dominated by conventional housing construction. In this respect, I would suggest that the proposed development site comprises a potential infill site / plot subdivision situated within an established residential area where public services are available and that the development of appropriately designed infill housing would typically be encouraged in such areas provided it integrates successfully with the existing pattern of development and adequate consideration is given to the need to protect the amenities of existing properties. Such an approach would correlate with the wider strategic outcomes set out in the National Planning Framework '*Project Ireland: 2040*', including the securing of more compact and sustainable urban growth such as is expressed in National Policy Objective 35 which aims to '*increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights*'.
- 7.2.2. Further support is lent to the proposal by reference to *Strategic County Outcome 1: 'Sustainable Settlement Patterns & Compact Growth'* of the Wicklow County Development Plan, 2022-2028 which aims to deliver more compact growth in towns and villages such as Arklow by capitalising on the potential for infill and brownfield development. Indeed, Objective CPO 6.21 of the Plan specifically states that appropriate infill residential development will normally be permitted in areas zoned '*Existing Residential*', subject to adherence to the principles of good design and the

protection of residential amenity. This approach is reiterated in the *'Residential Development Strategy for Arklow'* set out in the Arklow and Environs Local Area Plan, 2018-2024 which also aims to promote infill housing developments and to facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish, with Development Objective H6 giving express effect to this provision. The *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* similarly acknowledge the potential for infill development within established residential areas provided that a balance is 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.

7.2.3. Therefore, having considered the available information, including the site context and land use zoning, and noting the infill nature of the site itself, I am satisfied that the overall principle of the proposed development is acceptable, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

7.3. Overall Design and Layout:

7.3.1. The proposed development involves the subdivision of an existing housing plot and the subsequent construction of a new dwelling house within the side garden area of the original residence. In this regard, it is apparent from the decision of the planning Authority as informed by the report of the case planner that the principal issue with respect to the overall design and layout of the proposal is the limited size of the site and the density of the development proposed when compared to the surrounding area (which is typified by a low-density pattern of suburban development predominantly characterised by detached, single-storey and dormer-style houses set within substantial plots).

7.3.2. While I would acknowledge that the proposed subdivision will differ from the prevailing pattern of development, in my opinion, there is merit to the case that the plot occupied by No. 2 Ocean Crest Estate can accommodate an additional dwelling given that it is proportionately larger than comparable housing sites in the area through its inclusion of a strip of land which would appear to have previously been

intended to accommodate the servicing (drainage) of any future development on the adjoining lands to the west. Although the proposal will result in the unequal subdivision of the original housing plot, I would suggest that this is not uncommon in instances of infill development and should not in itself form the basis for a refusal of permission. The more relevant consideration is whether the proposal achieves a suitable balance between the need to respect the established character and residential amenity of the surrounding area and the desire to provide infill housing.

7.3.3. In response to the elongated nature of the site and its relationship with neighbouring housing, with particular reference to the need to avoid unduly impacting on the residential amenity of those houses to the immediate north and south (such as by way of overlooking, overshadowing or an overbearing appearance), the design of the proposed dwelling consists of a single-storey, detached, bungalow-type construction. It is based on a simple rectangular plan and employs a low-level, hipped roof design and external finishes in keeping with the broader architectural treatment / appearance of surrounding housing (with particular reference to the adjoining house at No. 2 Ocean Crest Estate and the single storey bungalows located further east on the opposite side of the roadway). The detached nature of the construction is also in keeping with the prevailing pattern of development while the provision of a 1,100mm wide pathway along both sides of the proposed dwelling is similar to that at Nos. 23, 24, 25 & 26 Ocean Crest Estate and exceeds the minimum requirement set out in Section 3.1.6: *'Infill / Backlands Development in Existing Housing Areas'* of Appendix 1: *'Development & Design Standards: Chapter 3: Mixed Use & Housing Developments'* of the Wicklow County Development Plan (which refers to a minimum separation of 0.9m between the house gable and the side wall of the plot). The proposal also ensures the provision of adequate private open space for both the existing and proposed dwelling houses as well as the necessary off-street car parking (2 No. spaces).

7.3.4. Therefore, having considered the foregoing, it is my opinion that the proposed development does not amount to overdevelopment of the site and would not be out of character with the surrounding pattern of development. The submitted proposal represents an appropriate design response to the site context and achieves a suitable balance between the need to respect the established character and residential amenity of the surrounding area and the desire to provide infill housing.

7.3.5. With respect to the suggestion that any grant of permission for the proposed development would set an undesirable precedent for the similar subdivision of other housing plots in the immediate area, I would reiterate to the Board that the circumstances of the subject site are somewhat unusual in that the plot presently occupied by No. 2 Ocean Crest Estate is proportionately larger than surrounding properties due to the inclusion of a strip of land previously intended to accommodate the servicing of future development on the adjoining lands to the west. While it is not entirely unfeasible for other properties in the estate to seek to subdivide their plots, I would suggest that there are few opportunities for any such development although any such proposals should be assessed on their merits.

7.4. Impact on Residential Amenity:

7.4.1. Having reviewed the available information, and in light of the site context, including its location in a built-up urban area and its established residential use (as part of the private garden of an adjacent property), in my opinion, the overall design, scale, positioning and orientation of the proposed dwelling, with particular reference to its single storey construction and relationship with (and separation from) adjacent housing, will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by reason of overlooking, overshadowing, or an unduly overbearing appearance.

7.5. Other Issues:

7.5.1. The proposed development includes for the decommissioning of a pair of disused foul and storm water drains which would appear to have been laid through the subject site with the intention of facilitating the future development of those lands to the immediate west. In this respect, it has been submitted that the land through which the sewers pass was sold as part of No. 2 Ocean Crest Estate without encumberment with no right of way being maintained by any party for the purposes of accessing the pipework. A CCTV survey provided with the application has also confirmed that both sewers are blocked which would lend support to the proposal that they should be condemned and put beyond use.

7.5.2. Given that there would appear to be no objection in principle to the abandonment of the aforementioned sewers by either the Local Authority or Irish Water, and noting that the pipework is both blocked and disused with no other party seemingly having

an interest in same, I would not foresee any difficulty with the proposal to decommission the sewers as part of the proposed development.

7.5.3. By way of further comment, I would advise the Board that the future development of those lands which were seemingly intended to be served by the aforementioned sewers is to be informed by the preparation of a new Action Area Plan (AAP 1: ‘Tinahask Upper – Abbeylands’) as per the Arklow and Environs Local Area Plan, 2018-2024. In this regard, it would be reasonable to assume that any such Action Area Plan would incorporate appropriate servicing arrangements for the lands in question.

7.6. Appropriate Assessment:

7.6.1. Having regard to the minor nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, 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 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. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

9.0 Reasons and Considerations

9.1. Having regard to the land use zoning of the site in the current local area plan for the area, to the infill nature of the site, to the design, layout and scale of the proposed development, and to the nature and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would represent an appropriate residential

density, would comply with the provisions of the Arklow and Environs Local Area Plan, 2018-2024 and the Wicklow County Development Plan, 2022-2028, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

Reason: In the interest of clarity.

2. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwelling house without a prior grant of planning permission.

Reason: In the interest of residential amenity, having regard to the restricted nature of the site.

3. 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, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health.

4. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

6. The external finishes of the proposed dwelling shall harmonise in material, colour and texture with the existing dwelling at No. 2 Ocean Crest Estate unless otherwise stated in the planning application.

Reason: In the interest of visual amenity.

7. Complete details of all proposed boundary treatment within and bounding the proposed development site shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

Reason: In the interests of visual and residential amenity.

8. 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

10. 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.

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.

Robert Speer
Planning Inspector

9th January, 2023