



An  
Bord  
Pleanála

## Inspector's Report ABP-314094-22

### Development

Demolition of portion of existing dwelling to facilitate the subdivision of existing dwelling and site into two separate detached dwelling units with new open passageway between units; closing up of doorway to Unit A (east); partial demolition, reconfiguration & front, rear and side extension to Unit B (west) to include new rooflights, elevation changes; new separate access with new gates to Unit B along with all associated site works.

### Location

Newlands, Kinlen Road, Greystones, Co. Wicklow, A63 YR79.

### Planning Authority

Wicklow County Council

### Planning Authority Reg. Ref.

22462

### Applicant(s)

Declan Shaw

### Type of Application

Permission

### Planning Authority Decision

Refusal

<b>Type of Appeal</b>	First Party v. Decision
<b>Appellant(s)</b>	Declan Shaw
<b>Observer(s)</b>	Donall & Gweneth Gannon Deborah Dier & Joe Kevelighan
<b>Date of Site Inspection</b>	20 <sup>th</sup> December, 2022
<b>Inspector</b>	Robert Speer

## 1.0 Site Location and Description

- 1.1. The proposed development site is located in a well-established residential area known as 'The Burnaby Estate' in Greystones, Co. Wicklow, where it occupies a position along the southern side of Kinlen Road beyond the limits of 'The Burnaby' Architectural Conservation Area, approximately 100m west of the junction of Mill Road (the R762 Regional Road) with the R774 Regional Road. The surrounding area is predominantly characterised by older housing which generally comprises substantial, detached dwellings developed on large plots along a series of definable streets whilst the wider 'Burnaby Estate' includes properties that have been constructed in the "domestic revival style" incorporating influences from the 'Arts and Crafts' movement. In this respect, it is notable that the wider area retains an attractive sylvan quality and is of considerable interest from a built heritage perspective, although the southern side of Kinlen Road is interspersed with several examples of more contemporary and conventional housing construction.
- 1.2. The site itself has a stated site area of 0.0625 hectares, is rectangular in shape, and comprises the westernmost extent of the housing plot occupied by a large, single-storey detached residence known as 'Newlands'. It includes an annex to the side of that dwelling along with part of its front and rear garden areas. The wider confines of the existing property are bounded by existing housing to the east, west and south with Kinlen Road to the north while its boundaries are generally defined by mature trees and hedging.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the demolition of part of an existing dwelling house to facilitate the subdivision of the property into two separate detached dwelling units. This will involve the partial demolition of the single storey annex (comprising a bedroom, utility room and a storage space) to the western side of the existing dwelling (Unit 'A'); the closing up of a doorway to the original house; and the reconfiguration & extension of the remainder of the side annex (to include new rooflights and elevational changes) to provide for a new detached one-bedroom dwelling house (Unit 'B') (floor area: 100m<sup>2</sup>). Associated site development works will

include the opening of a new vehicular entrance onto the public road and connection to mains services.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.1.1. On 21<sup>st</sup> 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 that is characterised by detached dwellings on large plots.
  - b) The unequal subdivision of the existing dwelling plot, which will result in a significantly smaller plot than adjoining plots.
  - c) The size of the site at 0.0625 Ha, which would result in a density of 16 Units / Ha.
  - d) The R10 residential zoning objective of the site, which allows for residential development up to a density of 10 Units / Ha.

It is considered that the proposed development would be out of character with the existing pattern of development in the area, would materially contravene the zoning objective of the Greystones – Delganey and Kilcoole Local Area Plan and would set up an undesirable precedent for similar substandard infill development. Therefore, the proposed development would unduly impact on the residential amenities.

*N.B.* The foregoing reason would seem to have only been partly transposed from that recommended by the Senior Engineer which concluded by stating that the proposed development would unduly impact on the residential amenities *“of the area and would be contrary to proper planning and sustainable development”*.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports:

The report of the case planner details the site context, planning history, and the applicable policy considerations, including the site location on lands zoned as 'R10: Residential - 10/ha' with the stated land use zoning objective 'To provide for the development of sustainable residential communities up to a maximum density of 10 units per hectare and to preserve and protect residential amenity'. It proceeds to analyse the issue of density in the context of the wider landholding and the surrounding area before concluding that proposal would be acceptable in principle. Reference is also made to a precedent having already been established for similar infill development along Kinlen Road. The overall design and layout of the proposal, as well as the level of residential amenity afforded to the existing and proposed dwellings, is considered to accord with the requirements of the County Development Plan and to be in line with the prevailing pattern of development. It is further noted that the application site is not located within The Burnaby Architectural Conservation Area and that the proposal will not detract from the wider streetscape, although it is suggested that the aluminium roofing should be substituted with roof tiles as a condition of any grant of permission. The report thus concludes by recommending a grant of permission, subject to conditions.

However, the foregoing recommendation was rejected by the Senior Engineer and the Director of Services with a notation appended to the planning report stating the following:

*"Noted. However, having regard to the existing pattern and character of development in this immediate area and the unequal subdivision of the site, which results in a very narrow site relative to other sites, I consider the proposed development should be refused. I also note that given the site size at 0.0625 Ha, the proposed development would result in a density of approximately 16 units / Ha which materially exceeds the zoning objective. While I note the central location within Greystones and the close proximity to the DART station & the unusual zoning objective, which would be more suited to an RE zoning, I consider that the above issues of concern would not be*

*overcome by the location “positives” that would normally support increased densities and infill development. I therefore recommend a refusal . . .”*

It was then recommended that permission be refused for the reason stated.

**3.2.2. Other Technical Reports:**

None.

**3.3. Prescribed Bodies**

*Irish Water.* No objection, subject to conditions.

**3.4. Third Party Observations**

3.4.1. A total of 2 No. submissions were received from interested third parties and the principal grounds of objection / areas of concern raised therein can be summarised as follows:

- Exceedance of the maximum density permissible for the area.
- Adverse impact on the character and built heritage value of The Burnaby Estate.
- Given the large size of the existing dwelling known as ‘Newlands’, it is not necessary to demolish part of the property in order to construct another house so as to meet the applicant’s needs.
- The carbon footprint of the proposed development is unnecessary and detrimental to the environment.
- The proximity of the proposed construction is too close to the foundations of the neighbouring property and will damage the mature planting / wildlife habitats along the intervening site boundary.
- Due to its excessive height and positioning, the proposed development will have a detrimental impact on the residential amenity of neighbouring property by reason of overshadowing.
- The use of aluminium as an external finish is out of character with the surrounding pattern of development.

## 4.0 Relevant Planning History

### 4.1. On Site:

None.

### 4.2. On Adjacent Sites:

PA Ref. No. 952743 / ABP Ref. No. PL27.097404. Was refused on appeal on 12<sup>th</sup> March, 1996 refusing Pdraig O'Nuallain outline permission for a single storey dwelling with separate access to rear at Glenholme, Kinlan Road, Greystones, Co. Wicklow.

PA Ref. No. 895440 / ABP Ref. No. PL27.5/83031. Was refused on appeal on 14<sup>th</sup> January, 1991 refusing Pdraig O Nuallain permission for a dormer bungalow at rear of Glenholme, Kinlan Road, Greystones, Co. Wicklow.

### 4.3. On Sites in the Immediate Vicinity:

#### 4.3.1. *(to the southeast: 'Kircullen')*:

PA Ref. No. 1829. Was granted on 16<sup>th</sup> April, 2018 permitting B & C O'Broin permission for the subdivision of existing house into two detached dwellings, with new open passageway between houses, demolition of roofs, chimneys and associated walls, conversion of attic to the eastern house along with new balcony, extensions to both houses along with elevational changes, new rooflights, separate access to include sliding gates along with all associated site works. All at Kircullen, Kinlen Road, Greystones, Co. Wicklow

#### 4.3.2. *(to the northeast: 'Clonbyrn')*:

PA Ref. No. 039085 / ABP Ref, No. PL27.207378. Was granted on appeal on 9<sup>th</sup> September, 2004 permitting Nuala Gunning permission for the demolition of existing garage, construction of 47.5m<sup>2</sup> granny flat extension, including a glazed link to the side together with 40m<sup>2</sup> single storey extension to the rear/side of existing dwelling, connection to public foul sewer and all associated site works at Clonbyrn, Kinlen Road, Greystones, Co. Wicklow.

#### 4.4. Other Relevant Files:

##### 4.4.1. (further northwest along Kinlen Road):

PA Ref. No. 072498. Was refused on 24<sup>th</sup> January, 2008 refusing John Moran permission for the demolition of an existing dwelling and the construction of 2 No. two-storey, detached, 4-bedroom dormer bungalows along with the widening of both existing entrance gates and all other ancillary site development works at 'Carraroe', Manor Avenue, Greystones, Co. Wicklow.

- The proposed development would be contrary to the proper planning and development of the area and would contravene materially the following policy/objective as set out in the Greystones – Delgany Local Area Plan 2006: This site is zoned R3 – To preserve and improve residential amenity – development permitted at 10 units / Ha. Taking into account the proposed development on the proposed site of 0.1469 Ha, the proposed density is in excess of the permitted 10 units / Ha.
- The proposed development, when taken in conjunction with existing and permitted development in the area, would be out of character with the established pattern of development in this area and would set a precedent for further such development in the vicinity of the site. The proposed development would therefore be contrary to the proper planning and development of the area.

##### 4.4.2. (elsewhere in 'The Burnaby' Estate):

PA Ref. No. 17/913 / ABP Ref. No. ABP-301005-18. Was granted on appeal on 28<sup>th</sup> September, 2018 permitting Georgina and David O'Donovan permission for the construction of a two-storey house, along with associated site works including access at Killincarrick Road (Rear Innisfree, Whitshed Road), Greystones, Co. Wicklow.

PA Ref. No. 15/872 / ABP Ref. No. PL27.245672. Was granted on appeal on 4<sup>th</sup> February, 2016 permitting Gerald and Mary Murphy outline permission for revised site boundaries, a two-storey dwelling, new western site boundary wall, connection to existing services and associated site works, all adjacent to Killincarrick House, Killincarrick Road, Greystones, Co. Wicklow.



PA Ref. No. 09/899 / ABP Ref. No. PL27.235199. Was granted on appeal on 18<sup>th</sup> February, 2010 permitting Seamus Howley permission for the subdivision of existing house into two separate dwellings at Shalom, Burnaby Road, Greystones, Co. Wicklow.

## 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.
- 5.1.2. The '*Architectural Heritage Protection, Guidelines for Planning Authorities, 2011*' provide detailed guidance in respect of the provisions and operation of Part IV of the Planning and Development Act, 2000, as amended, regarding architectural heritage, including protected structures and Architectural Conservation Areas. They detail the principles of conservation and advise on issues to be considered when assessing applications for development which may affect architectural conservation areas and protected structures.

### 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*

*Chapter 4: Settlement Strategy:*

Section 4.2: *County Wicklow Settlement Strategy:*

Level 3: *Self Sustaining Growth Towns: Greystones-Delgany*

Section 4.3: *Settlement Strategy Objectives:*

**CPO 4.2:** To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, brownfield and regeneration sites and redeveloping underutilised land in preference to greenfield sites.

**CPO 4.3:** Increase the density in existing settlements through a range of measures including bringing vacant properties back into use, reusing existing buildings, infill development schemes, brownfield regeneration, increased building height where appropriate, encouraging living over the shop and securing higher densities for new development.

**CPO 4.8:** To prepare new local plans for the following areas during the lifetime of this development plan: Bray Municipal District, Wicklow-Rathnew, Arklow, Greystones-Delgany and Kilcoole, Blessington.

*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 6.14:* To densify existing built-up areas subject to the adequate protection of existing residential amenities.

*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.

*Chapter 8: Built Heritage:*

*Section 8.3.3: Architectural Conservation Areas (ACAs)*

*Appendix 1: Development & Design Standards: Section 3: Mixed Use & Housing Developments: 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. **Greystones-Delgany & Kilcoole Local Area Plan, 2013-2019:**

##### *Land Use Zoning:*

The proposed development site is located in an area zoned as '*R10: Residential - 10/ha*' with the stated land use zoning objective '*To provide for the development of sustainable residential communities up to a maximum density of 10 units per hectare and to preserve and protect residential amenity*'.

##### *Other Relevant Policies / Sections:*

##### *Section 3: Population and Housing:*

##### *Section 3.3: Settlement Strategy:*

##### *Section 3.4: Objectives:*

**RES1:** To adhere to the objectives of the Wicklow County Development Plan 2010-2016 in regard to population and housing as are applicable to the plan area. In the assessment of development proposals, regard shall be paid to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages), (DoEHLG, 2009).

**RES3:** The development of zoned land should generally be phased in accordance with the sequential approach:

- Development should extend outwards from centres with undeveloped land closest to the centres and public transport routes being given preference, i.e. 'leapfrogging' to peripheral areas should be avoided;
- A strong emphasis should be placed on encouraging infill opportunities and better use of under-utilised lands; and
- Areas to be developed should be contiguous to existing developed areas.

Only in exceptional circumstances should the above principles be contravened, for example, where a barrier to development is involved. Any exceptions must be clearly justified by local circumstances and such justification must be set out in any planning application proposal.

*RES5:* On undeveloped residentially zoned land, it is an objective of the Council to provide for the development of sustainable residential communities up to a maximum density, as prescribed by the land use zoning objectives indicated on Map A and described in 'Table 11.1: Zoning Matrix'.

In existing residential areas, 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, where previously unsewered, low density housing areas become served by mains sewers, consideration will be given to densities above the prevailing density, (up to 10 / ha, depending on local circumstances), subject to adherence to normal siting and design criteria.

Apartments generally will only be permitted within Greystones Town Centre, Kilcoole Town Centre, Delgany Village Centre, Neighbourhood Centres, Small Local Centres, Greystones Harbour and North Beach Action Plan, South Beach Action Plan and within 10 minutes walking distance of Greystones train station.

Within existing residential areas, regard shall be paid at all times to the overriding objective of the Council to protect the residential amenity of these areas and to only allow infill residential development where this reflects the character of the existing residential area. Apartments will not normally be permitted on sites surrounded by predominantly single family occupied housing estate developments.

*RES7:* Notwithstanding the zoning objectives set out within this plan, lower density residential developments may be required at certain locations; where by virtue of environmental, topographical and service constraints, including lack of public mains infrastructure, poor road access, steep gradients, flooding issues and significant coverage of natural biodiversity; a lower density of development is preferable. This objective applies to all land zonings within the plan area.

In particular, the planning authority will limit growth in the amount of housing on lands zoned 'R2.5: Residential (2.5/ha) along Blackberry Lane, Delgany and lands zoned 'RE: Existing Residential' at Kindlestown Upper and Bellevue Demesne. In these areas housing shall generally be restricted to the development of low density single housing, subject to all matters being addressed to the satisfaction of the planning authority.

On land zoned R17/R5/R22 in the Kindlestown Upper/Coolagad vicinity, the design and layout of developments shall be appropriate to the topography of sites and the necessity to ensure that there is a visual transition between these developed lands and the unzoned agricultural lands/Kindlestown Hill to the rear of the site. Regard shall be paid to the protection of the visual amenity of the area, including views of Kindlestown Hill and to the objectives of the Blacklion ACA.

*RES8:* No upward limit on housing density is set out for centres. The quantum of development on any site will be guided by adherence to appropriate standards set out in the Wicklow County Development Plan, i.e. standards relating to massing, height, design, fit with fabric of the area,

plot ratio, car parking, open space etc., and the protection of residential amenity.

Section 9: *Natural and Built Heritage:*

Section 9.1: *Heritage Strategy*

Section 9.2: *Objectives:*

*HER1:* Protect and enhance the character, setting and environmental quality of natural, architectural and archaeological heritage, and in particular those features of the natural landscape and built structures that contribute to its special interest. The natural, architectural and archaeological heritage of the area shall be protected in accordance with the objectives set out in the Wicklow County Development Plan.

*HER12:* To preserve the character of Architectural Conservation Areas (ACAs), in accordance with Appendix B. The following objectives shall apply to ACAs:

- Development will be controlled in order to protect, safeguard and enhance the special character and environmental quality of ACAs.
- The buildings, spaces, archaeological sites, trees, views and other aspects of the environment that form an essential part of the character of an ACA will be protected.
- Proposals involving the demolition of buildings and other structures that contribute to the Special Interest of ACAs will not be permitted. The original structure of the La Touche Hotel contributes to the Special Interest of this ACA.
- The design of any development in an ACA, including any changes of use of an existing building, shall preserve and/or enhance the character and appearance of the ACA as a whole.
- Schemes for the conservation and enhancement of the character and appearance of an ACA will be promoted.
- The character and appearance of the urban public domain within an ACA shall be protected and enhanced. The Council will seek to



work in partnership with local community and business groups to implement environmental improvements within ACAs.

- Within the Church Road ACA, alterations to the front boundaries to accommodate off-street car parking will not normally be permitted.
- Historic items of street furniture and paving within ACAs shall be retained, restored and repaired.
- All electricity, telephone and television cables within ACAs shall be placed underground where possible.
- The placing of satellite dishes, television aerials, solar panels, telecommunications antennae and alarm boxes on front elevations or above the ridge lines of buildings or structures will generally be discouraged within Architectural Conservation Areas, except where the character of the ACA is not compromised.

It should be noted that the designation of an Architectural Conservation Area does not prejudice innovative and contemporary design. The principle of a contemporary and minimalist design style will be encouraged within ACAs, provided it does not detract from the character of the area. It is considered that new buildings should be of their own time in appearance and should not replicate the style and detailing of heritage buildings. The replication of historic architectural styles is considered to be counter productive to heritage conservation in principle as it blurs the distinction between what is historic and what is contemporary and can lead to the emergence of poorly considered and inauthentic buildings.

*N.B.* The proposed development site is located opposite (but not within) ‘*The Burnaby Architectural Conservation Area*’ as identified on Map ‘B’ (Heritage Map).

### **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 Murrough Proposed Natural Heritage Area (Site Code), approximately 2.1km southeast of the site.
- The Bray Head Proposed Natural Heritage Area (Site Code: 000714), approximately 2.4km north of the site.
- The Bray Head Special Area of Conservation (Site Code: 000714), approximately 2.4km north of the site.
- The Glen of the Downs Proposed Natural Heritage Area (Site Code: 000719), approximately 2.5km west-southwest of the site.
- The Glen of the Downs Special Area of Conservation (Site Code: 000719), approximately 2.5km west-southwest of the site.
- The Murrough Wetlands Special Area of Conservation (Site Code: 002249), approximately 3.0km southeast of the site.
- The Murrough Special Protection Area (Site Code: 004186), approximately 3.9km southeast of the site.

#### **5.4. EIA Screening**

- 5.4.1. Having regard to the minor nature and scale of the development under consideration, the site location outside of any protected site and 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 proposed development is intended for the applicant's own use and will allow him to live independently in close proximity to the family home with a view to assisting in the long-term care of his mother.

- The new dwelling will be in keeping with the overall design, scale, character, and density of the established pattern of development. In this regard, a portion of the existing dwelling to the front will be retained in its entirety (including the roof and external wall finishes) with the result that it will match the existing property and many other houses in the vicinity. Behind the structure to be retained, the new construction has been arranged in such a way as to minimise its impact on the streetscape with only 2m of additional elevation making up the front façade. The scale, height and single-storey construction of the proposed development will match that of many of the neighbouring properties and will be very much in keeping with the prevailing character of the area.
- The report of the case planner is supportive of the proposed development and recommended a grant of permission.
- In response to the reason for refusal:
  - a) The proposed development is a “detached dwelling” on a “large plot” based on the actual criteria for plot size and density contained in the Development Plan.
  - b) Similar “unequal subdivisions” have been permitted elsewhere, including under PA Ref. No. 18/29 at ‘Kircullen’.
  - c) Similar developments have been permitted in the immediate vicinity of the site, however, the method of calculation used by the County Engineer in the subject instance differs from that used elsewhere. This inconsistency is both unfair and in contradiction of the approach taken by the case planner which was overruled.
  - d) The subject site is zoned ‘*R10: Residential*’ as per similar and smaller development sites in the immediate area.
- The street frontage to ‘Unit B’ extends to 12m which is equal to other sites in the area (such as that permitted under PA Ref. No. 18/29 at ‘Kircullen’) and will allow the new dwelling to sit comfortably within the streetscape amongst similarly scaled detached dwellings on large sites. The proposed dwelling will

also be recessed further from the street than adjoining housing and set amongst mature trees and hedging typical of the area.

- The reason for refusal is spurious and has been justified on the basis of a new and different site area calculation.
- There is no rule or recommendation regarding site shape referred to in the land use zoning objective and, therefore, the shape of the site should not come into consideration once the condition for a '*detached house on [a] large plot*' has been satisfied.
- The Board's attention is drawn to the approval of PA Ref. No. 18/29 a short distance away at 'Kircullen' which permitted the subdivision of that property to accommodate an additional dwelling house (which is presently under construction). The site areas of the existing and proposed houses in that instance are very much comparable to those of the subject application as follows:

- PA Ref. No. 18/29: ('Kircullen') Parent Property:	0.1166 Ha
Subject Proposal: ('Newlands') Parent Property:	0.1396 Ha
- PA Ref. No. 18/29: ('Kircullen') Proposed Unit:	0.0617 Ha
Subject Proposal: ('Newlands') Proposed Unit:	0.0645 Ha

The respective site areas of the existing and proposed housing in the subject application exceed those previously permitted under PA Ref. No. 18/29, however, the County Engineer in his overruling of the case planner's recommendation does not seem to have taken cognisance of this fact and may have erroneously misunderstood the actual comparative provisions associated with the proposal.

Furthermore, it can be derived from the planner's report for PA Ref. No. 18/29 that the area used to justify the subdivision was that of the collective site (0.162Ha) and not just the plot of the proposed dwelling (0.0617 Ha). Again, it appears that the County Engineer has misinterpreted the method of calculation and applied a different approach which is inconsistent with that used in the assessment of PA Ref. No. 18/29.

If the same calculation methodology had been applied to the subject proposal as was used in the assessment of PA Ref. No. 18/29 then the site area would clearly permit the development as proposed in accordance with the R10 land use zoning objective of 10 No. units / hectare.

- The Board is requested to consider applying the following amendments by way of condition:
  - The provision of a shared front garden: The subdivision of the front garden area could be omitted and a shared garden provided as an alternative such that there would be no visible subdivision perceived from the street.
  - The omission of the second vehicular entrance with access to both the dwellings obtained via a single entrance using the existing gate pillars.

## 6.2. Planning Authority Response

None.

## 6.3. Observations

### 6.3.1. Donall & Gweneth Gannon:

- The proposed development will result in an excessive density of development due to the unequal nature of the site subdivision. In this respect, it should be noted that the proposal effectively amounts to the construction of a new one-bedroomed dwelling house on a narrow strip of land taken from the existing property. There are no other one-bedroomed houses in the surrounding area with the prevailing pattern of development dominated by 4 / 5 bedroom detached properties on large sites (such as the observers' property, "Glenholme", to the immediate west).
- It is not accepted that the squeezing of a one-bedroom dwelling house into a narrow strip of land can be regarded as being '*designed in such a way as to fit with the established character of the area, in terms of scale, density, design and pattern of development*'. It is unclear how such a conclusion could be

reached when there are no other one-bedroom houses in the surrounding area.

- The design of the proposed dwelling, with particular reference to the mix of elevations, is incompatible with the pattern of development along Kinlen Road. Furthermore, the overall height and dimensions proposed are excessive and unnecessary.
- The proposed development will overlook the observers' property giving rise to a loss of residential amenity.
- The external finishes of the proposed development, including the use of aluminium roofing, are not in keeping with the surrounding pattern of development.
- Having regard to the limited carriageway width and the established practice of cars parking along both sides of Kinlen Road, there are concerns that the provision of a further dwelling house and entrance will only add to congestion and the risk of accidents due to the increased volume of traffic and associated turning movements.
- The applicant's stated purpose for the proposed development is *"to have autonomy of accommodation while living in proximity to my mother. I can assist with the long-term care of my mother"*. In this regard, it is suggested that the applicant's needs could be more readily met by reconfiguring the existing dwelling house ('Newlands') which has a number of entrances without the necessity to build a standalone one-bedroom house with its adverse environmental impact.
- The subject appeal should be assessed on its merits. The fact that another property may have received planning permission is of no relevance. The subject proposal has been appealed to the Board which, apart from recourse to the Courts, is the final decision-maker on planning matters. If the proposed development were to be granted permission, it would negate the density requirements set by the applicable land use zoning and effectively set an undesirable precedent for the further subdivision of properties in the area.

- There are multiple alternative options available to the applicant that would meet his needs and accord with the proper density for the area. These alternatives would also avoid any detrimental impact on the residential amenity of the observers' property by reason of overlooking or overshadowing; avoid any adverse impact on the observer's boundary hedgerow; reduce traffic; and not negatively impact on the environment.

6.3.2. *Deborah Dier & Joe Kevelighan:*

- The proposed development would exceed the density limits required by the 'R10' land use zoning.
- Although the applicant has sought to justify the proposal by reference to the precedent set by similar infill development, the observers are only aware of one such example of high-density development in the area i.e. at 'Kircullen', Kinlen Road.
- Many of the local residents in the area would not agree with the conclusions drawn by the case planner and instead are of the view that the requirements of the R10 zoning should apply.
- The redevelopment of 'Kircullen' has been largely completed and it is obvious that said development is not in keeping with the area. If such a pattern of development were to be continued along Kinlen Road, the whole character of the area would be changed / destroyed.
- Any previous grants of permission for undesirable development should not be construed as setting a precedent for further such development.
- If the applicant wishes to amend the R10 land use zoning, this should be sought as part of the review of the Greystones Delgany & Kilcoole Local Area Plan.
- The applicant's specific needs could be addressed in a manner similar to that of a 'granny flat'. This would allow him autonomy while caring for his elderly mother.

## 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 & layout / visual impact
- 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 '*R10: Residential*' in the Greystones-Delgany & Kilcoole Local Area Plan, 2013-2019 with the stated land use zoning objective '*To provide for the development of sustainable residential communities up to a maximum density of 10 units per hectare and to preserve and protect residential amenity*'. In addition, it should be noted that the surrounding area is primarily residential in character and that the prevailing pattern of development is generally composed of large, detached residences set within substantial plots which serve to contribute towards a mature scheme of housing in an attractive sylvan setting. In this respect, I would suggest that the proposed development can be considered to comprise a potential infill site 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. Support is also 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 settlements such as Greystones by capitalising on the potential for infill and brownfield development. Indeed, Objective CPO 6.16 of the Plan specifically aims 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. 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 the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.
- 7.2.3. Furthermore, in light of the proximity of the application site to Greystones town centre and local services, it is of relevance to note that higher densities of residential development would typically be encouraged within such areas in the interests of land use efficiency.
- 7.2.4. Therefore, on the basis of the foregoing, 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.
- 7.2.5. However, it is apparent from the decision to refuse permission that concerns arise with regard to the density of the development proposed given the limitations imposed by the land use zoning objective which specifically refers to a maximum density of 10 No. units per hectare. In effect, the case has been put forward that the subject proposal represents an overdevelopment of the application site which materially contravenes the land use zoning objective.

- 7.2.6. While I would acknowledge that the density of the proposed development would equate to c. 16 No. units / hectare on the basis of the stated site area (i.e. 1 No. unit / 0.0625ha) and thus would exceed the limit set by the land use zoning objective, I would suggest that such an overly simplistic approach to the calculation of the relevant density would be inappropriate in this instance in that it would fail to have any regard to the surrounding pattern of development and would instead result in the subject proposal being considered in isolation. In this respect, I note the applicant's reference to the wider (combined) curtilage of the existing dwelling house of 'Newlands' (i.e. 0.2041 hectares) and the implication that the subject proposal, when taken in conjunction with that property, would equate to a reduced density of c. 10 No. units / hectare.
- 7.2.7. In my opinion, there is merit to the applicant's case that cognisance should be taken of the overall context within which the application site is located in the calculation of density. Indeed, I would suggest that the use of density as a measurement of development is more appropriate in the context of a larger housing scheme / site area whereas the use of plot ratio and site coverage would be more typically applied in the case of smaller sites / development proposals (*N.B.* The Local Area Plan does not provide any clear basis on which the density of a particular development is to be calculated). In this regard, I would refer the Board to its previous determination of ABP Ref. No. PL27.235199 wherein the reporting inspector noted that it was only with a very narrow definition of the site to be considered for the purposes of calculating density that a figure in excess of the development plan standard would result. In that instance the inspector's analysis accepted that there was merit in expanding the calculable site area to include for the entirety of the historic housing plot and part of the public realm on the basis that the determination of the density of a proposal is more typically used in the assessment of larger housing schemes where such areas would be included in the relevant calculation. Similarly, the determination on appeal of PA Ref. No. 15/872 / ABP Ref. No. PL27.245672 would appear to have considered the density of the proposal in a wider context having regard to the prevailing pattern of development in the area as opposed to restricting the calculation of density to the application site in isolation. More recently, such an approach informed the Board's approval of ABP Ref. No. ABP-301005-18 which also

concerned the subdivision of a housing plot elsewhere within 'The Burnaby' estate on lands that were zoned as '*R10: Residential*'.

- 7.2.8. In addition to the foregoing, parallels may also be drawn between the subject proposal and the development permitted a short distance away at 'Kircullen', Kinlen Road, under PA Ref. No. 1829 which involved the subdivision of an existing property into two detached dwellings. Indeed, I would concur with the applicant that the respective site areas of the existing and proposed houses in that instance are broadly comparable to those of the subject application.
- 7.2.9. On balance, in my opinion, it is apparent from a review of the available information, and an examination of the historical development of the wider 'Burnaby' area, that there are multiple instances of larger housing plots / properties having been subdivided to accommodate the provision of additional dwelling houses within their respective curtilages thereby establishing new frontage development onto the public road. Accordingly, I would suggest that the subject proposal can be considered to represent a continuation of the historical pattern of development and that the density of the proposal, when taken in the context of the wider area, is appropriate and does not materially contravene the applicable land use zoning objective.
- 7.2.10. In the event that the Board is of the opinion that the proposed development does in fact materially contravene the Local Area Plan (although the Greystones-Delgany & Kilcoole Local Area Plan, 2013-2019 would appear to have expired), I would refer it to the provisions of Sections 37(2)(a) and (b) of the Planning and Development Act, 2000, as amended, wherein it is stated that in instances where the Planning Authority has refused permission on the grounds that a proposed development materially contravenes the Development Plan, the Board may only grant permission where it considers that -
- i. the proposed development is of strategic or national importance,
  - ii. there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
  - iii. permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local

authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

- iv. permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

7.2.11. Therefore, for the purposes of completeness, I propose to assess the proposed development against the aforementioned criteria as follows:

- i. The proposed development consists of the construction of a single dwelling house on zoned and serviced lands in the town of Greystones. Considering the scale and nature of the proposal I am not of the opinion that the proposed development is of strategic or national importance.
- ii. In my opinion, the zoning provisions are clear and undisputed. Moreover, the written statement provides clear details of the objective of the relevant land use zoning and, therefore, I am satisfied that the objectives of the Plan are unambiguous and without conflict insofar as the proposed development is concerned.
- iii. With regard to Section 37(2)(b)(iii) of the Act, I would advise the Board that the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' state that, in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within the 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. The Guidelines further state that potential infill 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, and that within 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. In my opinion, given the site location and context, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*,

2009' lend support to the subject proposal. Such an approach would also 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'*.

- iv. With regard to the pattern of development and permissions granted in the area since the making of the Local Area Plan, I am cognisant of the multiple examples of house / plot subdivisions having been approved by both the Planning Authority and the Board in the locality. For example, I would refer the Board to its determination of ABP Ref. No. ABP-301005-18 on 28<sup>th</sup> September, 2018 wherein it approved the construction of a new two-storey dwelling house adjacent to 'Innisfree', Killincarrick Road, elsewhere within 'The Burnaby' estate on lands zoned as '*R10: Residential*'. Notably, the Board's determination of that appeal did not necessitate a material contravention of the Development Plan / Local Area Plan thereby lending further support to the subject proposal. Cognisance should also be taken of the grant of permission issued by the Planning Authority in respect of PA Ref. No. 1829 which permitted the subdivision of an existing property at 'Kircullen', Kinlen Road, a short distance away without the need for a material contravention.

7.2.12. Accordingly, on the basis of the foregoing, and having regard to the provisions of Section 37(2)(a) of the Act, I am of the opinion that it is open to the Board to grant permission in this instance.

### **7.3. Overall Design & Layout / Visual Impact:**

- 7.3.1. The proposed development involves the subdivision of the subject property through the partial demolition of a single storey annex to the western side of the existing dwelling house followed by the reconfiguration & extension of the remainder of that annex to provide for a new detached one-bedroom dwelling. In this respect, concerns have been raised as regards the limited size of the site and the density &

design of the proposal when compared to the surrounding area (which is typified by a low-density pattern of development predominantly characterised by older housing interspersed with several examples of more contemporary construction, which generally comprises substantial detached and semi-detached dwellings developed on large plots).

7.3.2. The issue of density has already been addressed in part elsewhere in this report given that the principle of the proposed development is acceptable having regard to the applicable land use zoning, the infill nature of the site, and the surrounding pattern of development. The more pertinent consideration from a 'density' perspective is whether the application site can accommodate the scale of the development proposed without giving rise to overdevelopment. In this regard, I am satisfied that the subject site is of sufficient size to facilitate the construction of a single-storey, one-bedroom dwelling house as proposed without detriment to the residential amenities of neighbouring property. Although the site will be somewhat narrow and elongated when compared to surrounding properties, it will nevertheless provide for adequate private open space, in-curtilage car parking, and the separation of the proposed construction from neighbouring properties as well as the site boundaries. The inclusion of an accessway alongside the eastern elevation of the proposed dwelling will also satisfy 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 a house gable and the side wall of the plot (while the separation distance from the western site boundary will not comply with the foregoing requirement, the western elevation of the new construction will follow the building line already established by the part of the existing annex to be retained / reconfigured as part of the overall development).

7.3.3. With regard to the architectural treatment of the proposed dwelling house, while I would acknowledge that elements of the proposal (e.g. the aluminium roof finish) are more contemporary in appearance than the prevailing pattern of development along Kinlen Road, in my opinion, the submitted design achieves a suitable balance and integrates successfully with the existing construction on site in line with Objective CPO 6.21 of the Development Plan (which aims to encourage alternative and

contemporary designs as part of infill development so as to provide for visual diversity). Moreover, having regard to the site context (including the screening afforded by the annex proposed for retention and the existing levels of mature landscaping on site), the more conventional style of housing development evident along the southern side of Kinlen Road, and the planning history of the wider area (e.g. PA Ref. No. 18//29 at 'Kircullen'), it is my opinion that the overall design of the proposed development is acceptable and does not unduly impinge on the prevailing character of the wider area.

- 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.

#### **7.4. 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, 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. Traffic Implications:*

The proposed development will be accessed directly from Kinlen Road via a new entrance arrangement, the overall construction of which will be comparable to that of neighbouring properties. Accordingly, having regard to the infill nature of the site in an established residential area, the limited scale of the proposed development, the provision of in-curtilage car parking, and the overall good condition of public roads in the vicinity of the site, it is my opinion that the surrounding road network has sufficient capacity to accommodate the limited additional traffic volumes consequent on the proposed development and that the subject proposal will not give rise to such

levels of congestion as to endanger public safety by reason of traffic hazard or to warrant a refusal of permission.

#### **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 location of the site on residentially zoned lands as set out in the Greystones-Delgany and Kilcoole Local Area Plan, 2013-2019, the infill nature of the site, the pattern of development in the vicinity of the site, and the design, layout and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would represent an appropriate residential density, and would comply with the provisions of the Wicklow County Development Plan, 2022-2028. 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. 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.

3. 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.

4. 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.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

6. 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.

7. 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.

8. 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.

9. 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.

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Robert Speer  
Planning Inspector

14<sup>th</sup> February, 2023