



An
Bord
Pleanála

Inspector's Report ABP-314214-22

Development	A single storey dwelling, connection to existing services including a pumped sewerage system and all associated site works and services.
Location	Ballinahinch, Ashford, Co. Wicklow.
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	22509
Applicant(s)	Sheila Clarke
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Appellant(s)	Sheila Clarke
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 within a small cul-de-sac of mature housing known as Ballinahinch, approximately 1.0km northwest of Ashford town centre, where it occupies a backland position to the rear of No. 5 Ballinahinch. The surrounding pattern of development is predominantly characterised by two-storey, semi-detached housing although many of the original plots have been subdivided to accommodate the construction of various backland and / or infill developments in a somewhat uncoordinated and piecemeal manner. In this respect, it is of relevance to note that the plot once occupied by No. 5 Ballinahinch would appear to have been subdivided twice previously to accommodate the construction of Nos. 5A & 5B Ballinahinch. Furthermore, the application site is positioned between two existing 'backland' houses.
- 1.2. The site itself has a stated site of 0.19 hectares, is irregularly shaped, and comprises a vacant plot of land that appears to have once formed part of the rear garden of No. 5 Ballinahinch as well as the shared laneway (over which the applicant has a right of way) accessing No. 5B Ballinahinch. The location proposed for the new dwelling house on site is accessed via the adjacent laneway and is bounded by a combination of blockwork walls and vegetation.

2.0 Proposed Development

- 2.1. The proposed development consists of the construction of a detached, single-storey dwelling house on a backland site to the rear of No. 5 Ballinahinch. It will be accessed via a right of way over an existing shared laneway that extends eastwards from the public road / cul-de-sac. The proposed dwelling (with its stated floor area of 109m² and overall height of 6.231m) is of a conventional design based on a principal rectangular plan with an asymmetrical front elevation incorporating a front gabled construction. External finishes will include a plaster render, selected stone, and blue / black roof slates. Associated site development works include an upgraded entrance arrangement onto the shared accessway, car parking, boundary treatment, and landscaping. Water and sewerage services are available via connection to the public mains (although foul water will be pumped to the public sewer via a new rising main).

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 1st July, 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 the location of the proposed development wholly to the rear of existing housing in close proximity to existing dwellings, which is to be accessed by way of an existing right of way already serving a rear dwelling, and having regard to the pattern of development on rear plots within this cul-de-sac, it is considered that the introduction of a new dwelling unit on this restricted backland site would result in an inappropriate form of development, would be inconsistent with the pattern of infill backland housing within this cul-de-sac, and would seriously injure the amenities of existing dwellings. Furthermore, if permitted, the proposed development would lead to cumulative pressure for further residential development to the rear of dwellings on Ballinahinch Terrace, which is lacking in pedestrian facilities and public open space. The proposed development would therefore, be contrary to proper planning and sustainable development.

3.2. Planning Authority Reports

3.2.1. *Planning Reports:*

Details the site context, planning history, and the applicable policy considerations, including the relevant land use zoning objective (RE: 'Existing Residential') which facilitates the provision of appropriate infill development, before noting that multiple planning applications for similar development have previously been refused (or recommended for refusal) on site. Reference is then made to the backland nature of the site and the fact that it would appear to have originally formed part of the rear garden of the existing dwelling house to the front. Further concerns are raised as regards an earlier subdivision of the original housing plot before the assertion is made that the subject proposal would amount to the 'shoehorning' of a further dwelling onto a restricted backland site. In relation to the issue of traffic safety, while it is acknowledged that the sightlines to the south at the junction of the accessway

with the public road are restricted, the proposal to install a 'visibility mirror' on an adjacent wall (with the consent of the relevant landowner) is considered acceptable. With respect to the broader design, it is suggested that the overall height of the proposal is excessive for a single storey dwelling house. The report then concludes by recommending a refusal of permission 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 single submission was received from an interested third party and the principal areas of concern / grounds of objection contained therein can be summarised as follows:

- The site mapping does not correctly identify the site boundary shared with No. 5B Ballinahinch Terrace and implies that the proposed dwelling will be located further away from the neighbouring property than is actually the case.
- The applicant has not demonstrated that she has the necessary consent to install the visibility mirror and, therefore, there are continuing concerns as regards traffic safety along the accessway.
- Notwithstanding the applicant's right of way, the existing accessway is privately owned and it is unclear whether she has the necessary consent to undertake any upgrading / maintenance works along its length.
- The date shown on the site notice does not correspond with the date of its erection.

4.0 **Planning History**

4.1. **On Site:**

4.1.1. PA Ref. No. 21932. Was refused on 12th January, 2022 refusing Sheila Clarke permission for a single storey dwelling, connection to existing services including a pumped sewerage system and all associated ancillary site works and services.

- Having regard to the location of the proposed development wholly to the rear of existing housing in close proximity to existing dwellings, which is to be accessed by way of an existing right of way already serving a rear dwelling, and having regard to the pattern of development on rear plots within this cul-de-sac, it is considered that the introduction of a new dwelling unit on this restricted backland site would result in an inappropriate form of development, would be inconsistent with the pattern of infill backland housing within this cul-de-sac, and would seriously injure the amenities of existing dwellings. Furthermore, if permitted, the proposed development would lead to cumulative pressure for further residential development to the rear of dwellings on Ballinahinch Terrace, which is lacking in pedestrian facilities and public open space. The proposed development would, therefore, be contrary to proper planning and sustainable development.
- The proposed development would endanger public safety by reason of serious traffic hazard because the existing pillar located at the entrance of the accessway onto the cul-de-sac serving the site impedes sightlines.

4.1.2. PA Ref. No. 191118. Was refused on 5th December, 2019 refusing David & Margaret Shannon permission for a dwelling, storage shed, connection to existing services including a pumped sewerage system, and all associated ancillary site works and services.

- Having regard to the location of the proposed development wholly to the rear of existing housing in close proximity to existing dwellings, which is to be accessed by way of an existing right of way already serving a rear dwelling, and having regard to the pattern of development on rear plots within this cul-de-sac, it is considered that the introduction of a new dwelling unit on this restricted backland site would result in an inappropriate form of development, would be inconsistent with the pattern of infill backland housing within this cul-de-sac, and would seriously injure the amenities of existing dwellings. Furthermore, if permitted, the proposed development would lead to cumulative pressure for further residential development to the rear of dwellings on Ballinahinch Terrace, which is lacking in pedestrian facilities and public open space. The proposed development would, therefore, be contrary to proper planning and sustainable development.

- The proposed development would endanger public safety by reason of serious traffic hazard because the existing pillar located at the entrance of the accessway onto the cul-de-sac serving the site impedes sightlines.

4.1.3. PA Ref. No. 19795. Application by David & Margaret Shannon for permission for a dwelling, storage shed, connection to existing services, including a pumped sewerage system, and all associated ancillary site works and service. This application was withdrawn.

4.1.4. PA Ref. No. 1859. Was refused on 16th March, 2018 refusing David & Margaret Shannon permission for a dwelling, storage shed, connection to existing services, and all associated ancillary site works and services.

- Having regard to the location of the proposed development wholly to the rear of existing housing in close proximity to existing dwellings, which is to be accessed by way of an existing right of way already serving a rear dwelling, and having regard to the pattern of development on rear plots within this cul-de-sac, it is considered that the introduction of a new dwelling unit on this restricted backland site would result in an inappropriate form of development, would be inconsistent with the pattern of infill backland housing within this cul-de-sac, and would seriously injure the amenities of existing dwellings. Furthermore, if permitted, the proposed development would lead to cumulative pressure for further residential development to the rear of dwellings on Ballinahinch Terrace, which is lacking in pedestrian facilities and public open space. The proposed development would, therefore, be contrary to proper planning and sustainable development.
- Having regard to the existing pillar located at the entrance of accessway onto the cul-de-sac serving the site which impedes sightlines, the current finish of the access laneway, and the lack of detail with respect to the foul main which it is proposed to access to serve the proposed site, it is considered that to allow this development would result in a serious traffic hazard, would be prejudicial to public health and would be contrary to proper planning and sustainable development.

4.2. On Adjacent Sites:

4.2.1. *(to the immediate west: No. 5 Ballinahinch)*

PA Ref. No. 052808. Was granted on 16th August, 2005 permitting Declan & Samantha Turley permission for the extension of a dwelling house at No. 5 Ballinahinch, Ashford, Co. Wicklow.

PA Ref. No. 041100. Application by Paul Clarke for permission for the retention of revised boundaries previously granted under planning register reference 97/6071 at 5A Ballinahinch, Ashford, Co. Wicklow. This application was withdrawn.

PA Ref. No. 976071. Was granted on 20th March, 1997 permitting Paul Clarke permission for the construction of a house at 5A Ballinahinch, Ashford, Co. Wicklow.

4.2.2. *(to the immediate north):*

PA Ref. No. 114273. Was granted on 1st November, 2011 permitting Cathal & Breda O'Gara permission for alterations to previously granted Planning Register Reference 07/324 which will include a revised house type and all associated site works, all at Ballinahinch, Ashford, Co. Wicklow.

PA Ref. No. 07324. Was granted on 4th September, 2007 permitting Cathal & Breda O'Gara permission to demolish an existing outhouse (currently used for storage) to facilitate the construction of a new dwelling, connection to main sewer and associated site works, all at Ballinahinch, Ashford, Co. Wicklow.

PA Ref. No. 065989. Application by Cathal & Breda O'Gara for permission to demolish an existing outhouse building (currently used for storage) to facilitate the construction of a new dwelling, connection to main sewer and associated site works, all at Ballinahinch, Ashford, Co. Wicklow. This application was withdrawn.

4.2.3. *(to the immediate south: No. 5B Ballinahinch):*

PA Ref. No. 072626. Was granted on 6th March, 2008 permitting Neville & Sharon Cox permission for new two storey extension to the front of the existing dwelling including the provision of velux windows at 5B Ballinahinch Terrace, Ashford, Co. Wicklow.

PA Ref. No. 977399. Was granted on 10th June, 1998 permitting Eamonn J. Duignam permission for a dormer bungalow to the rear of 5A Ballinahinch, Ashford.

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*’ acknowledge the importance of smaller towns and villages and their contribution towards Ireland’s identity and the distinctiveness and economy of its regions. It is accepted that many of these smaller towns and villages have experienced significant levels of development in recent years, particularly residential development, and that concerns have been expressed regarding the impact of such rapid development and expansion on the character of these towns and villages through poor urban design and particularly the impact of large housing estates with a standardised urban design approach. In order for small towns and villages to thrive and succeed, their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.

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 5: Towns & Villages: Small Towns (Type 1): Small towns with good local service and employment functions: *Ashford*

Chapter 4: Settlement Strategy

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 6.14: 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.

Volume 2: Part 2: Small Town Plans (Type 1):

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.

Part 2: Ashford Specific Objectives:

Section 2.3: Residential Development

ASH1: New residential development shall comply with the principles, objectives and standards set out in the Wicklow County Development Plan.

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.

5.3. Natural Heritage Designations

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

- The Devil's Glen Natural Heritage Area (Site Code: 000718), approximately 1.7km west of the site.
- The Murrough Proposed Natural Heritage Area (Site Code: 000730), approximately 3.5km east of the site.
- The Murrough Wetlands Special Area of Conservation (Site Code: 002249), approximately 3.5km east of the site.
- The Murrough Special Protection Area (Site Code: 004186), approximately 3.7km east 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 proposed development site is zoned as '*RE: Existing Residential*' in the Ashford Local Area Plan wherein this land use zoning is described as providing for '*home improvements, alterations & extensions, and appropriate infill residential development in accordance with the principles of good design and protection of existing residential amenity*'.

The subject proposal comprises an infill site located within the Ballinahinch estate which is accessed via an existing entrance arrangement which already serves 2 No. dwelling houses. Several examples of infill sites have been permitted in the immediate area over the past number of years which are considered to set a precedent for similar infill development.

- Contrary to the report of the case planner which states that previous grants of permission for infill housing in the area typically involved plot sizes larger than the subject site, it is apparent from the accompanying site location map (Drg. No. 21/053/110A: '*Adjacent Site Areas*') that this is not the case. Those sites identified as 'B', 'C', 'D', 'F', 'G' & 'H' are all of a similar size and nature.
- The report of the case planner references the following applications:
 - PRR 15/540: This application concerns a residential development in Newtownmountkennedy and is of no relevance to the subject proposal.
 - PRR 11/4273: This application is noted as involving a larger plot size of 0.1 hectares.
 - PRR 07/160: This site measured 0.089 hectares (excluding the driveway).
 - PRR 07/324: Concerns the same site as PRR 11/4273.
 - PRR 97/7399: This site is similar in size to that of the subject proposal.
 - PRR 97/6682: The area of this site is noted as 0.08 hectares.

All of the aforementioned sites are of a similar nature as the subject proposal.

- The proposed development includes for 99.5m² of private open space which exceeds the applicable standard by almost 50%. Given that the proposal complies with the necessary development management standards, it is not accepted that the site could be deemed unsuitable for the development proposed.
- There is a registered right of way in place to the subject site and the applicant is prepared to repair and upgrade the existing driveway with a stone base and gravel finish.

- It is acknowledged that the sightlines at the junction of the shared access with the Ballinahinch estate road are restricted due to the presence of a stone pillar, however, adequate sightlines are available to the right-hand side when exiting onto the estate road. Furthermore, it is proposed to provide a visibility mirror at the junction with the estate road for the safety of all motorists and the applicant will give an undertaking to maintain this mirror at all times (which has been accepted by the Planning Authority).
- Given the site location on a quiet residential cul-de-sac where there is limited traffic, it is submitted that the provision of an additional single dwelling house will not give rise to a serious traffic hazard.
- In support of the proposed development, the Board is referred to the accompanying traffic survey which indicates that the estate road is very lightly trafficked with a typical mean average of 7 - 8 No. cars entering or exiting cul-de-sac at any given time. In this regard, it is submitted that an additional dwelling house will not adversely affect road safety and will not give rise to a serious traffic hazard (as has been accepted by the Planning Authority).
- It is proposed to construct a domestic pumping station in lieu of a gravity sewer arrangement due to the potential difficulties with the available gradient and cover levels.

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
- Traffic considerations
- 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 within the identified settlement boundary for the town of Ashford on lands zoned as *'RE: Existing Residential'* with the stated land use zoning objective *'To protect, provide and improve residential amenities of existing residential areas'* where the development of housing / residential uses would generally be considered appropriate. Furthermore, it should be noted that the surrounding area is primarily residential in character and that the prevailing pattern of development in the immediate vicinity of the application site is characterised by semi-detached dwelling houses where many of the original plots have been subdivided (in a manner comparable to that proposed) to accommodate the construction of further backland or infill housing.

7.2.2. Accordingly, I would suggest that the proposed development site 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’.

- 7.2.3. 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 Ashford 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. 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.
- 7.2.4. Therefore, having considered the available information, including the site context and land use zoning, and noting that comparable infill development has already been approved and / or completed in the immediate site surrounds, 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 construction of a single storey dwelling on a backland site in a manner comparable to previous plot subdivisions in the surrounding area which have sought to accommodate an assortment of backland and / or infill development. Section 3.1.6 of Appendix 1 of the Development Plan refers to infill / backland development in existing housing areas and sets out a range of applicable standards, including that the proposed house design should complement the area and should not prejudice the development of adjoining sites.

7.3.2. Having conducted a site inspection, and following a review of the available information, I would suggest that the given the site context, with particular reference to the backland location, its recessed position relative to the public road, and the level of screening afforded by adjacent properties, the overall visibility of the proposed dwelling house will be very limited with a minimal impact on the visual amenity of the surrounding area. It is of further relevance to note the variety of building types and architectural styles prevalent in the area as a result of the somewhat uncoordinated and piecemeal approach to the wider development of those backlands within the Ballinahinch estate. Accordingly, I am inclined to conclude that the proposed development in terms of its design, scale and siting complies with the design standards for infill / backland developments and is an appropriate form of development for the application site which will not adversely impact on the visual or residential amenities of the area.

7.4. Impact on Residential Amenity:

7.4.1. In light of the site context, including its location within a built-up urban area (noting that the lands in question are likely to have originally formed part of the private rear garden of No. 5 Ballinahinch), it is my opinion that the design, positioning and orientation of the proposed development, with particular reference to its single storey construction and relationship with (and separation from) adjacent dwelling houses, will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by reason of overlooking, overshadowing / loss of daylight / sunlight, or an unduly overbearing appearance. Moreover, I am satisfied that both the proposed development and the dwelling house at No. 5 Ballinahinch will be provided within an adequate level of residential amenity and private open space.

7.5. Traffic Considerations:

7.5.1. Vehicular access to the proposed development will be obtained via a right of way over an existing laneway / driveway which extends eastwards from an established entrance arrangement onto the roadway / cul-de-sac serving the Ballinahinch estate. This laneway and its junction arrangement would appear to have formed part of the developments previously approved under PA Ref. Nos. 976071 & 977399 which permitted the construction of House Nos. 5A & 5B Ballinahinch respectively (to the south and east of No. 5 Ballinahinch). In this regard, while I would acknowledge that

the laneway in question already serves two existing dwelling houses and is of a limited carriageway width with a loose pebble / gravel surface treatment, I am satisfied that it has the capacity to accommodate the additional traffic movements consequent on the proposed development. For example, the laneway is wider at its junction with the public road which allows for a vehicle to pull-in should it encounter oncoming traffic without obstructing the public road. Similarly, the 'L'-shaped turn towards the eastern end of the laneway allows for waiting vehicles to give way to passing traffic. Furthermore, the limited length of the laneway and the low traffic volumes & speeds also mitigate against the potential for any traffic hazard or congestion.

- 7.5.2. The principal concern with respect to the proposed access arrangement is the restricted sightlines available to the south on exiting the laneway onto the public road due to the obstruction caused by an existing wall / gate pier within the neighbouring property. Notably, this impediment formed part of basis for the refusal of similar development proposals on site, however, in an attempt to address the issue, the subject application includes for the installation of a visibility mirror on a wall pier (bounding No. 5A Ballinahinch) at the entrance to the junction with the written consent of the relevant landowner (as per the unsolicited additional information submitted to the Planning Authority on 16th June, 2022). While I would concede that the sightlines at the existing junction are restricted and that the use of a visibility mirror is not an ideal solution, given the established use of this existing access (as previously authorised under PA Ref. Nos. 976071 & 977399), its location towards the end of a lightly trafficked cul-de-sac, and the low levels of traffic generation consequent on the proposed development, I am amenable to the proposal as submitted. Accordingly, it is my opinion that the proposed development will not endanger public safety by reason of traffic hazard or result in the obstruction of other road users.

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 Wicklow County Development Plan, 2022-2028, 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 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, as amended by the further plans and particulars submitted on the 16th day of June, 2022, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

31st January, 2023