



An
Bord
Pleanála

Inspector's Report

ABP-314626-22

Development	House and associated site works.
Location	Site to side of 5 Beechlawn, Clonard, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20220954
Applicant(s)	Eugene Rockett & Michelle Murray Rockett.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Eugene Rocket & Michelle Murray Rockett.
Observer(s)	None.
Date of Site Inspection	2 nd March 2023.
Inspector	Peter Nelson

1.0 Site Location and Description

- 1.1. The subject site is in the side garden of No.5 Beechlawn, which is a detached house at the end of a cul-de-sac. The site is perpendicular to a through road with bus routes. The site is c.400m from the junction of Beechlawn and Clonard Road. The site is located c.1.5km from the Wexford Town centre.

The surrounding pattern of development is suburban in nature. On the eastern side of the through road, the dwellings face directly on the road. On the western side of the road the blank side gables of the dwellings and side gardens face onto the through road. The site has a vehicular entrance and parking to the front of the dwelling.

2.0 Proposed Development

- 2.1. The development involves:

- the construction of a fully serviced two-storey, two-bedroom, 100.3m² dwelling house in the side garden of an existing dwelling,
- a vehicular entrance and all associated site works.

3.0 Planning Authority Decision

- 3.1. **Decision:**

Permission refused for the following reason:

1. The proposed dwelling, by virtue of its position and scale, would not integrate well into the street scene and would have a negative visual impact on the character of the area. The development would therefore be contrary to Section 11.08.10 Infill Housing of the Wexford Town & Environs Development Plan 2009-2015 (as extended) and the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The planning report dated the 14th of July 2022 reflects the decision to refuse. The area planner considered that the proposed dwelling has not changed significantly from that refused under Planning Reg. Ref:20220479 and that the proposed two-storey structure would not integrate well into the street scene and would have detrimental visual impact of the area.

The report notes that information had been submitted relating to the potential impact of the proposed development on the existing foul sewer line and that Irish Water are now not objecting to a grant of permission.

The report also notes that the access and parking arrangement are acceptable to the Council's Executive Technician (Roads).

3.2.2. Other Technical Reports

Roads Report (12th August 2022): No objection subject to 6 no. conditions.

Wastewater Report: (16th August 2022): No objection subject to 2no. conditions.

3.3. Prescribed Bodies

Irish Water (17th August 2022): No objection, subject to 4no. condition.

3.4. Third Party Observations

None Received

4.0 Planning History

4.1. Planning Reg Ref 20220479

Permission refused for the construction of a fully serviced two-storey dwelling house, vehicular entrance and all associated site works for 2no. reasons relating to insufficient information on the potential impact of the proposed development on the

existing foul sewer line and to the negative impact the proposed dwelling will have on the character of the area due to its position and scale area.

4.2. Planning Reg Ref 20211948

Permission refused for the construction of a fully serviced two storey dwelling house, vehicular entrance and all associated site works for th 3no. reasons relating to insufficient information on the potential impact of the proposed development on the existing foul sewer line, the negative impact the proposed dwelling will have on the character of the area due to its position and scale area and potential traffic hazard cause by the proposed access and parking arrangements.

4.3. Planning Reg Ref 20181726

Permission granted for the construction of an extension to existing dwelling house, alterations to existing boundary walls, alterations to site entrance and all associated site works. This permission is subject to 4no. conditions.

5.0 Policy Context

5.1. Development Plan

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

Relevant Development Plan objectives include: -

5.1.2. Objective CS04:

To achieve more compact growth by promoting the development of infill and brownfield/ regeneration sites and the redevelopment of underutilised land within the existing built-up footprint of existing settlements in preference to greenfield lands and to identify infill, brownfield and regeneration sites when preparing Local Area Plans, Settlement Plans and settlement boundaries.

5.1.3. Objective TV33:

To pursue a compact growth policy in our existing settlements and maximise their potential as places to live, work and visit.

5.1.4. **Objective TV36:**

To pursue a variety of methods to increase the number of people living and working in our towns and villages in terms of investment decisions, local authority own projects and in the assessment of planning applications. Such activities and methods include:

- Utilising opportunities to develop infill, backland and brownfield development.
- Applying a more flexible approach to development management standards such as separation distances, open space provision and parking subject to performance criteria and design quality being achieved.
- Reusing or redeveloping existing sites including building more intensively.

5.1.5. **Objective TV43:**

To adopt a presumption in favour of the development of infill and brownfield sites and to apply flexibility in the application of development management standards allowing for the achievement of performance standards for issues such as the protection of adjoining residential amenities, privacy, light and amenity.

5.1.6. **Objective TV44:**

To ensure the scale of infill development reflects the location of the site and the characteristics of the settlement. The Council will consider the scale of infill development having regard to the need to make efficient use of centrally located sites and the prevailing scale in the area. The Council will encourage development which intensifies the use of the land to at minimum the intensity of adjoining uses but optimally, subject to the appropriate protection of amenities of adjoining residences to a higher intensity.

5.1.7. **Section 3.7 of Volume 2** of the Development Plan gives Development Management guidance for development of a residential unit in a side garden stating that such developments should comply with the following:

- The site should be sufficient in size to accommodate an additional dwelling and an appropriate set back should be maintained from adjoining dwellings.

- The dwelling should generally be designed and sited to match the established building line and respond to the roof profile of adjoining dwellings.
- The design of the dwelling should respond to the character of the area and adjoining dwellings and contribute to a sense of harmony. Contemporary and innovative proposals that respond to the local context will be encouraged, particularly on larger sites which can accommodate a number of dwellings.
- Corner developments should provide a dual frontage in order to avoid blank elevations and maximize surveillance of public areas.

5.2. National Planning Framework

5.2.1. National Policy Objective 35:

- 5.2.2. Increase residential density in settlements through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building height.

5.3. Natural Heritage Designations

- 5.3.1. The following natural heritage designations are in the general vicinity of the proposed development site:
- The Wexford Harbour and Slob Special Protection Area (Site Code: 004076), approximately 1.8km east of the site. –
 - The Wexford Slob and Harbour Proposed Natural Heritage Area (Site Code: 000712), approximately 1.8 km east of the site

5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development, comprising of an additional dwelling in a built-up area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for

environment 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

6.1.1. The main grounds of appeal can be summarised as follows:

- The proposed development represents the efficient use of the land and is consistent with the National Planning Framework overarching policy objective to provide for compact growth.
- The site is of a sufficient size to accommodate the proposed dwelling.
- The dwelling has been designed to match the existing building line and roof profile of adjacent dwellings.
- The dwelling responds to the character of the area and surrounding dwellings.
- A dual frontage is proposed with all frontages onto roads being active to maximize natural surveillance.
- The proposed dwelling will contribute to the development plan objective to facilitate 30% of all new housing over the course of the plan to be delivered within the established built-up footprint of settlements.
- There is no potential for the proposed dwelling to impact on the amenities of any existing surrounding dwellings.

6.2. Planning Authority Response

None Received

6.3. Observations

None Received

7.0 Assessment

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

- Zoning and Policy Consideration
- Impact on Streetscape
- Appropriate Assessment

7.2. Zoning and Policy Considerations

7.2.1. The site is within the development boundary of Wexford Town. I note that the Council considered this proposal, under the Wexford Town and Environs Development Plan 2009-2015 (as extended). As noted in section 5.1 above the current operational plan is the Wexford County Development Plan 2022-28.

7.2.2. The subject site is in walking distance of a supermarket, sports facilities and community facilities. The site is also adjacent to public transport and c.1.5km from Wexford Town centre. I therefore considered that an additional dwelling in this side garden to be acceptable in principle and will add to the housing stock within the existing built-up footprint of Wexford Town. I consider that utilising this infill site will increase the population within the built-up area of the town and will comply with Objective TV36 of the County Wexford Development Plan 2022-2028.

7.2.3. I consider that given the separation distance of c.25m from the proposed dwelling to the existing dwelling to the rear that the privacy and light of the existing dwelling will not be seriously impacted and will and will comply with Objective TV43 of the County Wexford Development Plan 2022-2028.

7.3. Impact on Streetscape

7.3.1. The proposed dwelling is located to the side of the existing dwelling in between the gable of the existing house and the boundary with the Beachlawn through road.

Planning Authority's reason for refusal suggests that the proposed development in this prominent position forward of the Beechlawn building line would not integrate well into the street scene and would have a detrimental visual impact on the area.

- 7.3.2. The building line of this section of Beechlawn consists of properties with blank side elevations with limited fenestration. Given the back-to-back separation distance of approximately 25m between the dwellings, the building line is not significant or continuous. Therefore, I consider that breaking of the stated building line is acceptable.
- 7.3.3. I consider that the proposed dwelling will address the Beachlawn through road by providing windows and ground and first floor overlooking the road. I therefore considered that the proposed dwelling will provide a degree of street activation and surveillance and is therefore acceptable.
- 7.3.4. The applicant proposes to increase the height of the boundary wall on the road fronting Beachlawn through road to a maximum of 1.52 m. Should the Board be minded to grant permission I recommend that a condition be attached retaining the height of the existing side boundary wall forward of the proposed rear building line. I considered that this will add to the street activation.
- 7.3.5. The proposed dwelling is gable fronted with a pitched roof facing onto Beechlawn cul-de-sac. The dwelling is to be finished in plaster with brick on selected areas. The adjoining properties have similar brick and plaster finishes. I have noted the 3-D representation submitted with the planning appeal. While different in width, the form of the proposed dwelling is similar to the adjoining properties. I considered that the form, design and proposed finishes will adequately respond to the character of the adjoining dwellings and area.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the minor nature and scale of the proposed development, the site location within a built-up area outside of any protected site and the nature of the receiving environment, the availability of public services, and the proximity of the

lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. I recommend that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Wexford County Development Plan 2022-2028 including Objective TV36 & 43 and Section 3.7 of Volume 2 (Corner/Side Garden Sites), I considered that, subject to compliance with the conditions set out below, the development would not have a seriously negative impact on the character of the area. 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, 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.	The existing side boundary wall shall not be increased in height forward of the proposed rear building line.

	Reason: in the interest of visual amenity
3.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
4.	<p>The applicant or developer shall enter into water and wastewater connection agreement with Irish Water prior to the commencement of this development.</p> <p>Reason: In the interest of orderly development.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p>

	<p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Peter Nelson
Planning Inspector

22nd March 2023