



An
Bord
Pleanála

Inspector's Report ABP315152-22

Development	Modifications to existing dwelling, proposed new dwelling to rear of existing dwelling, revised entrance to create dual recessed entrance to existing and proposed dwelling and associated works.
Location	2, Ballybeg, Rathnew, Co. Wicklow.
Planning Authority	Wicklow County Council.
Planning Authority Reg. Ref.	22720.
Applicant(s)	Harry Murphy.
Type of Application	Permission
Planning Authority Decision	Refuse permission.
Type of Appeal	1 st Party.
Appellant(s)	Harry Murphy.
Observer(s)	Steven Richardson.
Date of Site Inspection	11 th May 2023.
Inspector	Des Johnson.

1.0 Site Location and Description

- 1.1. The site is located close to the junction between the R772 and R750 in the centre of Rathnew, Co. Wicklow. It is on the south side of the R772.
- 1.2. There is a single storey semi-detached dwelling on a rectangular shaped site elevated above the public road. A side passage to the north-eastern side of the dwelling leads to a rear garden and single storey shed-like structure. Adjoining the rear garden to the south west there are two single storey semi-detached dwellings, to the south east is a short cul de sac providing access to houses, and to the north east is the dwelling and rear garden of No. 1 Ballybeg.
- 1.3. The Ballybeg estate has houses fronting on to the R772, and also extends to the south east of these houses with access gained off the R772. This access road is approximately 30 metres to the south west of the proposed site access. The R 772 has straight alignment along this stretch with footpaths either side and public lighting. There is a continuous white line along the centre of the carriageway along this stretch. On the opposite side of the road to the subject site is a tyre centre and a drive through coffee facility.

2.0 Proposed Development

- 2.1. Modifications to existing dwelling, proposed new dwelling to rear of existing dwelling, revised entrance to create dual recessed entrance to existing and proposed dwelling and associated works.
- 2.2. The site area for the proposed dwelling is stated to be 0.04 ha. and the area of site to which the application relates is stated to be 0.067ha. The gross floor area of the existing dwelling is stated to be 71 sq.m and the floor area of the proposed dwelling is stated to be 77 sq.m.
- 2.3. The proposed dwelling is single storey with two bedrooms. Proposed finishes include nap plaster to walls and flat concrete roof tiles.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 25th October 2022, Wicklow County Council decided to refuse permission for two reasons. Reason 1 states that the proposed development would be out of keeping with the established character of the area, negatively impact on the amenities of adjacent properties, set a precedent, would be contrary to then objectives of the Wicklow Town-Rathnew Development Plan 2013-2019, and would be contrary to the proper planning and sustainable development of the area. Reason 2 refers to endangerment of public safety by reason of serious traffic hazard because of insufficient sightlines, impassable driveway and lack of turning areas for vehicles.

The planning authority decision was made following a request and agreement to an extension of the appropriate period for making a decision.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report refers to 3 objections received, raising issues including those of overlooking, overshadowing, noise, loss of residential amenity, overdevelopment, inadequate car parking, traffic hazard, and development density.

A previous application for a dwelling with connection to services was withdrawn after it was recommended for refusal.

The subject site is restricted, and is a rear garden for the house in front. The area is characterised by single storey houses on larger sub-divided sites on lower ground levels. The proposed development would not reflect the established character of the area and would result in overdevelopment of this backland site. Dwellings on sites 3a, 3b and 54 are on plots between 0.05ha – 0.086ha, whereas the application site measures 0.03ha (not including the driveway).

There would be overlooking but no convincing overshadowing. The applicant may not have sufficient interest in the lands to carry out the development.

The proposed driveway would be too narrow to allow 2 way vehicle movement. Sightlines would not meet current standards. The proposed and existing dwelling would have insufficient space to turn vehicles on site. The development would result in traffic hazard and substandard development. Private open space provision is acceptable.

3.2.2. Other Technical Reports

Irish Water – no objection.

4.0 Planning History

There is information on two previous applications. Reg Ref: 20/900 was for a dwelling connecting to services. This was withdrawn in February 2021 following a recommendation for refusal of permission. Reg Ref: 22/565 was for a two-bedroom single storey house. This was deemed invalid in June 2022 due to lack of a Site Notice.

5.0 Policy and Context

5.1. Development Plan

Under the Wicklow Town – Rathnew Local Area Plan 2013-2019, the zoning objective (RE) for this area seeks to protect and preserve existing residential uses and provide for infill residential development.

Proposals for infill development is generally permitted where it can be clearly demonstrated that the proposal respects the existing character of the area and would not have an adverse impact on the amenity value of properties in the area.

Where an 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 site, there must be adequate separation available to facilitate the required driveway (normally 3m) and allow 0.5m 'buffer' area

alongside any existing dwelling. Any deviation must be evaluated on traffic safety and residential amenity grounds.

The Wicklow County Development Plan 2022-2028 came into effect on 23 October 2022. Section 5.4.2 refers to Infill & Brownfield Development. The redevelopment of infill and brownfield lands within town and village centres presents a significant opportunity to consolidate the town and village centres. Infill sites may range from small gap infill, unused or derelict land and backland areas, up to large residual sites or sites assembled from a multiplicity of ownerships.

5.2. **Natural Heritage Designations**

Having regard to the nature and scale of the development in a residential area, the development by itself, or in combination with other plans or projects, would not be likely to have a significant effect on any sensitive receptors in any designated European site. As such, Appropriate Assessment is not required.

5.3. **EIA Screening**

The development proposed is not of a class to which the EIA Directive applies, and does not include any works which, by themselves, come with any class to which the EIA Directive applies. Furthermore, there is no likelihood of significant effects on the environment arising. As such, the need for environmental impact assessment can be excluded at preliminary examination stage and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

These may be summarised as follows:

- This application addressed all the concerns raised under Reg Ref: 200/900 (withdrawn following recommendation to Refuse), yet all the same reasons were given.

- The proposed dwelling is single-storey, with floor area of 77 sqm, and less than 5.2m in height. This eliminates any possibility of overlooking or overshadowing of adjacent dwellings.
- There are other similar back-land and side garden developments in the area.
- Car parking is provided for on site for both existing and proposed dwellings. Rear garden provision exceeds the Development Plan requirement.
- The original Ballybeg development was built in the 1950's and consisted of single-storey dwellings on large sites. Many of these have had additional dwellings constructed in rear and side gardens (map submitted). The proposal is in keeping with the established development pattern in this area.
- A dual entrance is proposed with improved sightlines for both the existing and proposed dwelling. The proposal improves traffic safety at this property. Separate driveways are proposed for the existing and proposed dwelling and parking and turning is proposed for each site.

6.2. Planning Authority Response

None on file.

6.3. Observations

Submitted by Steven Richardson, owner and resident of 3b, Ballybeg, Rathnew, Co. Wicklow. Key observations may be summarised as follows:

- The proposal is similar to that proposed under Register Reference 20/900, when the planner's report recommended refusal, and concerns relating to site size, house design, elevated and restricted nature of the site, overlooking and overshadowing of adjacent properties, and traffic hazard have not been addressed. The only amendment is to lop off part of the structural wall to the existing house on the site to create access to the rear, and this results in reduction in design quality and accommodation to the existing dwelling. The

treatment and configuration of the shared boundary wall between no.2 and 3b Ballybeg remains a concern.

- The observers concerns relate to traffic safety, development density, size and location, appropriate land use, preservation of existing amenities, and adherence to established planning and development practices.
- The proposed development differs from other permitted developments in Ballybeg as it is not on a backland site being surrounded on 3 flanks by residential properties. Existing backland developments have ample driveways and are accessed off tertiary/local roads, whereas the proposed development would access from the main R772.
- The proposal, which doubles traffic movements, does not improve traffic safety at this dangerous junction.
- The proposal does not provide adequate access for fire services. Considered in addition to inadequate sightlines, on-site parking and turning circles, and the steep gradients, show that the site is unsuitable for the proposed development. Guidelines set out in the County Development Plan recommend the provision to 2 off-street car parking spaces. There is a reduction in car parking accommodation for the existing dwelling.
- There is concern relating to construction noise and associated dust and vibration that will be generated.
- Drawings and particulars submitted with the application are inadequate.

7.0 **Assessment**

- 7.1. The proposal is for the development of a single storey two-bedroom dwelling, with a stated gross floor area of 77sqm to the rear of an existing single storey dwelling on a site area stated to be 0.067ha. The site is close to the village centre of Rathnew and is in an established residential area. It can be considered an infill site.
- 7.2. I contend that proposals for infill development on larger sites, in principle, comply with Development Plan policy and National policy as expressed in the National Planning Framework, which seek to encourage compact development in town and

village centres. However, each proposal must be considered on its own merits. In this case I submit that the key issues to be considered are:

- Suitability of design having regard to the character of the area.
- Impact on the amenities of adjoining and surrounding residential properties
- Traffic and carparking issues
- Other issues

7.3. Design

The proposed single storey dwelling with nap plaster walls and concrete roof tiles would not be out of character with the design of established residential development at Ballybeg.

Existing housing in the Ballybeg estate is generally on narrow sites of varying length, and many have infill housing constructed to the rear. The appeal includes a drawing showing the extent and location of infill housing within the Ballybeg estate. These infill houses gain access from the internal estate roads and, in most cases, appear to be sited at right angles to the existing house.

7.4. Residential amenities

The proposed dwelling is shown as 12058mm separated from the existing dwelling at the nearest point and is sited at a higher elevation to the existing dwelling. It is sited 4m from the rear boundary which is marked by a hedge and then bounded by a short residential access. It is approximately 3200mm setback from the south western boundary marked by a concrete block wall and approximately 7200mm from Nos. 3a and 3b – single storey houses which back on to the subject site and front on to an internal estate road. To the north east the proposed dwelling is approximately 1.5m from the north east site boundary which is marked by a hedge and the adjoining single storey dwelling and garden of No. 1 Ballybeg. The proposed dwelling is sited at a higher elevation relative to No.1 Ballybeg.

The proposed dwelling has patio doors, and bathroom and a bedroom window to the rear elevation. It also has a kitchen/dining room window in the south western side elevation. The front of the proposed dwelling would look on to the rear of the existing dwelling at a distance shown to be 12058mm and towards the rear of No.1

Ballybeg at a distance of approx. 19m. In assessing the potential for adverse impacts on existing residential property in the vicinity, the restricted nature and relative elevation of the site should be considered. I submit that the proposed development, would not have any significant adverse impacts on the amenities of residential property to the south east or south west but, without adequate boundary screening, would have an adverse impact on the amenities of the existing dwelling and the adjoining No.1. In the event of the Board deciding to grant permission, a condition should be included requiring adequate screening to avoid overlooking of Nos. 1 and 2 Ballybeg.

7.5. Traffic and carparking

The site is restricted, primarily resulting from its width and the orientation of the existing dwelling relative to the site boundaries. Access to the rear is to the side of the existing dwelling and, in order to achieve adequate vehicular access width, it is proposed to realign a bathroom wall to the rear of the existing dwelling. The existing access along the side of the dwelling leads to the rear garden and a shed and there is potential for turning a vehicle to the rear of the existing dwelling. I submit that because of the restricted nature of the site, this access is not suited to serve both the existing and proposed dwellings. The submitted Site Layout Plan indicates a separate parking area to the front of the existing dwelling but appears to allow for continued vehicular access to the rear.

The site inclines from the public road to the side of the proposed dwelling. Sightlines at the existing access are restricted in both directions along the R772. At the time of inspection there were road works being undertaken at the junction between the R772 and R750. The proposal is to revise the existing access to provide dual access and recessed pillars and wing walls. I submit that the R772 is a busy main road with a continuous white line along the centre of the carriageway, and that the proposal, would effectively double traffic turning movements into and out of a substandard entrance giving rise to traffic hazard.

7.6. Other issues

- 7.7. It is proposed to connect to public sewerage and water supply. There are no internal reports on file objecting to this proposal.

8.0 Recommendation

8.1. I recommend that planning permission be refused.

9.0 Reasons

The proposed development would give rise to additional traffic turning movements at entrances with inadequate sightlines on to the busy R772 at a point where there is a continuous white line along the carriageway. These additional traffic movements, combined with the restricted nature of the site which limits access and traffic turning movements on both sites, would endanger public safety by reason of traffic hazard.

Des Johnson
Planning Inspector

24 May 2023

