



An
Bord
Pleanála

Inspector's Report ABP315278-22

Development	Widening of existing pedestrian gate to provide vehicular entrance to two parking spaces with automated vehicular gate.
Location	Rear of No. 13 Upper Main Street, Arklow, Co Wicklow (off Manifold's Lane).
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	22/619
Applicant(s)	Ronan and Kate Redmond
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party vs permission
Appellant(s)	Elizabeth Dempsey
Observer(s)	None
Date of Site Inspection	14 th April 2023
Inspector	Vanessa Langheld

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1.0 Site Location and Description

- 1.1. The site (0.055 hectares) is located to the rear of No. 13 Upper Main Street, Arklow, County Wicklow. No.13 is a recently refurbished double-fronted house (former shop) along the Main Street in Arklow Town. The front of the house adjoins the public footpath. There is paid on-street parking along the main street to the front of the house. The house is attached to another property, No.14 Upper Main Street. It appears as if most properties on this side of the Main Street are currently in residential use. The other side of the road is in mixed retail, commercial and residential use.
- 1.2. The Applicant's house, No. 13, has a narrow access to the side. This access is currently gated. It was noted during the site visit that this access appears too narrow for an average sized car to access. The Applicant states that the width of this access is 1.9m wide (i.e less than a standard parking space width).
- 1.3. Manifold's Lane, which abuts No. 15 Upper Main Street, provides pedestrian access to the substantial land behind No. 13. There are double yellow lines for much of the length of Manifold's Lane. There are a number of houses on Manifold's Lane, the front doors of which open directly onto the lane. It is a public laneway but it is a cul-de-sac so residents sometimes park cars along the lane and there are potted plants and bins along its length. There is a metal hoarding separating Manifold's Lane from the back of No. 13. The Applicants have stated that the hoarding is temporary following their removal of a wall / pedestrian access and pending the outcome of this appeal.
- 1.4. There is an additional Lane, Martin's Lane, located to the east of the site and adjoining No. 12 Upper Main Street. Martin's Lane provides access to two properties – The Anvil, Martin's Lane and The Forge, Martin's Lane which are located to the rear / back of No. 13 (i.e. the appeal site). The appeal site adjoins land to the front of the two houses off Martin's Lane, the Anvil and the Forge, and there is a pedestrian access from Manifold's Lane to the houses off Martin's Lane. This land is not shown as a public road but provides access to those two houses.

2.0 Proposed Development

- 2.1. The proposed development provides for the widening of a pedestrian access to provide a vehicular access for two new parking spaces to the rear of the appeal site. There is sufficient space for the applicants to turn their cars within their own site in order to drive safely back out to the Main Street via Manifold's Lane. The access to the new entrance is to be provided from Manifold's Lane. The proposed development also provides for an automated gate to the new vehicular entrance.

3.0 Planning Authority Decision

3.1. Decision

Grant subject to 3 no. Conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Further Information was requested by the Planning Authority to clarify the following:

- Why the gated area adjoining the appeal site was not adequate for parking.
- How the proposed access would work?
- The need for the development.

The Planning Authority accepted that the Applicants have justified their need for the new entrance and have demonstrated that it is acceptable in traffic safety terms.

3.2.2. Other Technical Reports

MD Engineer (Municipal District) has no objections to the development subject to Conditions.

4.0 Policy and Context

4.1 Planning History

4.1. There is no reference to the planning history of No.13 on the planning file. There are a number of nearby properties that have been granted permission for change of use from commercial / retail to residential use. Some applications have also been refused because of inadequate open space provision. A recent application for the adjoining property, No. 12 Upper Main Street, to provide 2 apartments was refused because it did not provide for retail or commercial use at the ground floor level as is required within the core area of Arklow Town Centre.

4.2 Development Plan

The site is located with the Town Centre zoned area of the Arklow and Environs Local Area Plan 2018-2024. The Written Statement provides a vision for Arklow to include a vibrant core for the town centre with a range of uses including residential in a consolidated and accessible manner. Residential use is a 'Typical Use' for the Town Centre zone.

4.3 Natural Heritage Designations

None noted in the vicinity.

4.4 EIA Screening

None required.

5.0 The Appeal

5.1. The grounds of Appeal are as follows:

- Applicants removed the existing wall and pedestrian gate without planning permission so this application should have been for retention.
- The Applicants already has a vehicular access to their property.

- The houses on Manifold's Lane open directly to the lane; therefore their safety will be compromised by the additional vehicles using the lane.
- The Applicants carried out their own traffic safety analysis and so it cannot be deemed objective.
- Martin's Lane should be used to access the site as it two way traffic, whereas Manifold's Lane is one way.
- The development will enhance the amenity of the Applicant's property to the detriment of the nine houses on Manifold's Lane that use the lane for short term occasional parking, bins and amenity.

5.2. Planning Authority Response

No further comment on file from the Planning Authority.

5.3. **The Applicants' Response to the Third-Party Appeal**

5.4. The Applicants' response is summarised as follows:

- The Response to Further Information Request, including Track Analysis is accurate.
- Manifold's Lane is a public road and its use for parking and as an amenity area by its residents is unauthorised.
- The Applicants intend to park two cars for their family use, and the increase in vehicles using the lane will therefore be minimal.
- The existing entrance from the main street is a shared a right of way and is too narrow to access the rear of their property safely. It would also require a vehicle to reverse over the public footpath to the main road to exit the shared space. This would be dangerous, particular as the building line is stepped, and it would therefore put pedestrians at considerable risk.

- Martin's Lane is already congested and has a single carriageway due to on-street parking and not double carriageway as stated by the Appellant.
- The development will result in the freeing up of two on-street parking spaces.

5.5. A letter of support from Stephen Matthews TD is attached to the First Party Response to the Appeal.

6.0 **Assessment**

6.1. I have read the documentation attached to this file including the Appeal, the report of the Planning Authority and further response received. In addition, I have visited the site.

6.2. The Appellant's property is located on Manifold's Lane opposite the proposed new vehicular entrance and 2 no. parking spaces. The Application provides for the provision of a vehicular entrance to the back land area of the property, No. 13 Upper Main Street Arklow. The access is provided via Manifold's Lane, a public road. There has been a pedestrian access at this location prior to the boundary wall being (temporarily) removed. The frontal property, No. 13 Main Street, has been significantly restored to provide a family home. There is a large area to the rear with ample space to provide two off street parking spaces, a turning area and an automated gate.

6.3. There are a number of small houses on Manifold's Lane (9 No. houses referenced by the Appellant in the Third Party Appeal). On the day of the site visit there was a car parked at the top of the lane, beside Nos.1-2. This car was there for the duration of the site visit (twenty minutes).

6.4. At present, in order to exit the lane there is no option but to reverse the length of laneway out onto the Main Street. Manifold's Lane is a public road which over time has seen the development of housing on both sides. The houses open onto this small lane as is usual on this type of laneway where residential development is permitted. There are double yellow lines along most of its length. As the laneway is

a currently a cul-de-sac it has been used for occasional parking of resident's cars, for bins, plants and for amenity. It is, however, a public road and its use for parking, amenity and bin storage is therefore unauthorised.

- 6.5. The parking spaces can be accommodated on this large backland site. The question is whether or not Manifold's Lane can accommodate the extra vehicular movement resulting from the provision of the two spaces? In my opinion, the Applicants have shown how this can safely be achieved and have also shown the need for the parking for their family home. The development will require that Manifold's Lane will no longer be able to be blocked by parked cars, which by necessity are forced to reverse the length of the laneway to exit and reverse onto the main road. If anything, this will therefore improve the safety of the laneway. The parking provided should in my opinion be conditioned for use of the frontal building as a family home and not for commercial use. This will ensure that there are limited traffic movements in and out of the property.
- 6.6. It is accepted that the other gated entrance to the side to the property on Upper Main Street is too narrow to park a car safely, would be dangerous to reverse out of and is shared with another property in terms of right of way. As regards the suggestion that the Applicants use Martin's Lane to access the appeal backland area, it is a longer distance from the Main Street and is already congested in terms of on-street parking etc. In addition, the Application and RFI plans do not show the relationship of the appeal site to the land behind, which does not appear to be a public road.
- 6.7. It is noted that the appeal development is likely to generate construction-related traffic during its construction. In this regard, it is considered appropriate to require the Applicants to submit a Construction Management Plan prior to the commencement of the development demonstrating how such traffic could be accommodated during the construction period in light particularly of its proximity to Nos. 1 and 3 Manifold's Lane and the pedestrian access to the houses (The Anvil and The Forge) off Martin's Lane.

7.0 Recommendation

- 7.1. I recommend that permission be granted for the reasons and considerations and subject to the Conditions set out below.

8.0 Reasons and Considerations

- 8.1. Having regard to the scale and nature of the proposed development on a public road, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenity of property in the vicinity and would not give rise to traffic safety concerns.

9.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as revised by the plans and particulars received on 28/10/22 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 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.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
3.	<p>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.</p> <p>Reason: In the interest of public health and surface water management.</p>

4.	<p>The 2 no. parking spaces shall be used for purposes ancillary to the use of the main dwelling house as a residence. They shall not be sold or rented independently of the main dwelling house.</p> <p>Reason: To protect the residential amenity of houses in the vicinity.</p>
5.	<p>Prior to commencement of development, the Applicants shall submit a Construction Management Plan to Wicklow County Council for its written agreement. This should demonstrate how construction-related traffic can be accommodated without unduly impacting the houses on Manifold's Lane and the pedestrian access to the adjoining residential properties on Martin's Lane.</p> <p>Reason: In the interest of clarity and the safety of residents of adjoining houses.</p>

Vanessa Langheld
 Planning Inspector

8 May 2023