



An  
Bord  
Pleanála

## Inspector's Report ABP315813-23

### Development

1. Demolition of existing garage to rear of house.
2. Subdivision of site boundaries to existing house to provide new dormer bungalow, together with 'Sedum' grass flat roof, PV Solar Panels and rainwater harvesting unit.
3. New pedestrian access and gate to the west elevation.
4. All above with associated site works.

### Location

48 Sugarloaf Crescent, Bray, Co.  
Wicklow

### Planning Authority

Wicklow County Council

### Planning Authority Reg. Ref.

221267

### Applicant(s)

Georgina and Patrick Black

### Type of Application

Full

### Planning Authority Decision

Refused

<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Georgina and Patrick Black
<b>Observer(s)</b>	Sugarloaf Crescent Residents Association – Patricia O’Leary Hon Secretary
<b>Date of Site Inspection</b>	16 <sup>th</sup> June 2023
<b>Inspector</b>	Louise Medland

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## 1.0 Site Location and Description

- 1.1. The application site is located in the rear garden of 48 Sugarloaf Crescent, Bray. 48 Sugarloaf Crescent is a two storey end terrace dwelling with front and rear garden areas and incurtilage parking to the front. The appellant has described the proposal site as an existing garage, however upon site inspection, I observed that the building is currently unlawfully being used for residential use with a bed, wardrobe, bathroom, kitchen area including sink, cooker and fridge freezer. Externally the building has the appearance of a dwellinghouse and there was no indication of the building being utilised as a garage. Access to the building is through the dwellinghouse 48 Sugarloaf Crescent. The site is bounded by a mix of fences and walls approximately 1.8m in height.
- 1.2. The area is characterised by two storey terraced and semi-detached dwellings with front and long rear gardens and incurtilage parking. This pattern is mirrored by the dwellings which back on to the northern side of the properties (also known as Sugarloaf Crescent).
- 1.3. To the west of the site is existing open space grassed area linear in form, a public footpath and public parking.

## 2.0 Proposed Development

- 2.1. The proposal is comprised of five elements;
  1. Demolition of existing garage to rear of house.
  2. Subdivision of site boundaries to existing house to provide new dormer bungalow, together with 'Sedum' grass flat roof, PV Solar Panels and rainwater harvesting unit.
  3. New pedestrian access and gate to the west elevation.
  4. All above with associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. On the 31<sup>st</sup> January 2023 Wicklow County Council issued a notification of a decision to refuse permission for the following reason;

- It is considered that the proposal for an infill house on a constrained backland site, including the use of the public amenity open space as an access would distract from the layout, character and function of the open space and would result in haphazard substandard development that is out of character with the pattern of development in the area. The development would set a precedent for similar unacceptable development and would seriously injure the amenities of property in the vicinity. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

### **3.2. External Reports**

Irish Water – No Objection

### **3.3. Third Party Observations**

One observation was received on the 15<sup>th</sup> December 2022 from the Sugarloaf Crescent Residents Association and is summarised as follows:

- No Satisfactory access and would result in use of public amenity open space as an informal access.
- Detract from the layout, character and function of the open space and the area and would set an undesirable precedent.
- Injure the amenities of surrounding properties.

- Footpath across open green space would compromise the integrity of open green amenity areas, which residents have enjoyed since the construction of the estate in the early 1970s.

### 3.4. Planning Authority Reports

#### 3.4.1. Planning Reports

The Wicklow County Council Planning Report forms the basis for the decision. The report provides a description of the site and subject proposal, it sets out the planning history of the site and surrounds, summaries the observation on the planning file and sets out the policy that is relevant to the development proposal.

#### 3.4.2. Other Technical Reports

Bray Engineers Planning Report – No consent to include part of the open space at Sugarloaf Crescent in the application has been provided. No surface water drainage information provided.

## 4.0 Planning History

- P.A Ref. 22/682 – 1) demolition of existing garage to rear of house. 2) Subdivision of site boundaries to existing house to provide new Dormer bungalow, together with 'Sedum' grass flat roof, PV Solar Panels, and Rainwater Harvesting Unit. 3) new pedestrian access gate to west elevation. 4) All above with associated siteworks Refused – 11<sup>th</sup> August 2022
- P.A Ref 22/990 – 1. demolition of existing garage to rear of house. 2. Subdivision of site boundaries to existing house to provide new dormer bungalow, together with 'Sedum' grass flat roof, PV Solar Panels, and Rainwater Harvesting Unit. 3. New pedestrian access gate to west elevation. 4. All above with associated siteworks Refused - 6<sup>th</sup> November 2022
- P.A Ref 21/1482 - (1) Subdivision of existing site boundaries to existing house to provide new dormer bungalow (94.42m<sup>2</sup>) together with new pedestrian

access to rear and revisions to boundary wall to west elevation. (2) Demolish existing garage to rear garden. (3). All above with associated site works – Refused – 9<sup>th</sup> February 2022

## **5.0 Policy and Context**

### **5.1. Development Plan**

### **5.2. Wicklow Development Plan 2022 – 2028 (WDC 2022-2028)**

- Settlement Strategy
- Development and Design Standards Appendix 1

### **5.3. Natural Heritage Designations**

5.4. The site does not lie in and nor are there any designated natural heritage sites in the vicinity.

### **5.5. EIA Screening**

5.6. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- Main reason for refusal is the access footpath crossing public open amenity space, in the appellants opinion this is a small grassed area.
- Used as a short cut instead of the footpath.
- Abundance of grassed public amenity space in Sugarloaf Crescent.

- Appellant believes the area measuring 4.3m wide is small and would not cause visual imperfections.
- The use of precast concrete turfstone grassed system with honeycombed cavities to allow for grass to grow within, and would in no way injure or take away from the neighbourhood enjoyment of the public amenity space and would not detract from the layout character, or function of the open space.
- Grass can be mowed as normal.
- Disagree with the site being deemed constrained because of only one access via a garden gate. Access via the side garden of 48 also available. Most dwellinghouses on Sugarloaf Crescent only have access through their front gardens.
- A small two bedroom dormer bungalow is a perfect infill site, not of substandard and is not out of character with the development in the area and now would it injure the amenities of properties in the area.
- Housing need in the country as well as Project Ireland 2040 calling for 50% of new urban housing to be accommodated on infill sites supports appellants case.

## 6.2. Planning Authority Response

- None

## 6.3. Observations

One observation was received on the 28<sup>th</sup> February 2023 from the Sugarloaf Crescent Residents Association and is summarised as follows:

- No Satisfactory access and would result in use of public amenity open space as an informal access.
- Detract from the layout, character and function of the open space and the area and would set an undesirable precedent.
- Injure the amenities of surrounding properties.
- Footpath across open green space would compromise green areas.



- Residents working with the Local Authority applying for tree and shrub grants and planting has occurred in the periphery of this green space as well as other open green space within the estate.
- Residents endeavouring to improve biodiversity and take great pride in achievements to date.
- Open green space important for health and development.
- Strongly oppose to the proposal.

#### 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 development
- Impact of the proposed access on public open space
- Impact on the pattern of development

#### 7.2. Principle of the Development

7.3. Whilst the site is located within an area zoned as 'RE: Existing Residential' in the Wicklow County Development Plan 2022-2028. CPO 6.21 states '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'. The proposal is not considered to be an infill but a standalone dwellinghouse unit.

7.4. The proposed subdivision of the site to facilitate an additional dwelling would result in back land development, with the proposed dwelling being hemmed in within a restricted site, with no outlook to the public realm, accessed via a side entrance and does represent a quality residential environment for future occupants.

**7.5. Impact on the proposed access on the public open space**

7.6. CPO 6.25 specifically states that open space lands will be retained as open space for the use of residents and new housing, other non-community related uses will not normally be permitted. The proposed use as an access for a dwelling, I determine to be a non-community related use. Whilst reference is made to new housing, this in terms of the retention and use of open space for the community, not the sole benefit to accommodate a development proposal albeit sub-standard.

7.7. The role of the public open green amenity space may be passive, however it is of no less importance, and contributes to the visual amenity of the area regardless of its size. It provides a visual break in an area dominated by hard built form.

7.8. I am not persuaded by the appellants proposed use of geocell for a pathway to permit a separate access to the proposed dwelling, nor their case that it would not adversely impact on the public open space.

**7.9. Impact on the pattern of development**

7.10. The pattern of development is characterised by two storey semi-detached and terraced dwelling in long rectangular plots, front and rear gardens with incurtilage parking and benefit from look to the public realm. Whilst the proposal may provide sufficient separation distances and meet minimum space standards, the nature of the site is restricted and is out of keeping with the area and the pattern of development in which it is located.

**7.11. Appropriate Assessment Screening**

7.12. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom/to the absence of emissions therefrom, the nature of receiving environment as a built up urban area and the distance from any European site/the absence of a pathway between the application site and any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

## 8.0 Recommendation

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for all elements of the development for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

- The proposal would result in the creation of back land development, with a perception of being hemmed in and with no outlook to the public realm and does not represent a quality residential environment for future occupants.
- The use of the public open space for access would result in a sub-standard access and would adversely impact on the public open space.
- The subdivision of no.48 Sugarloaf Crescent to provide an additional dwelling is out of keeping with the pattern of development in the area and if permitted would result in the setting of an undesirable precedent for similar scale developments.

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 judgment in an improper or inappropriate way.

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Louise Medland  
Planning Inspector

20<sup>th</sup> July 2023