



An
Bord
Pleanála

Inspector's Report

ABP-316020-23

Development

Retention of a single storey one bedroom apartment unit at the side of existing two storey dwelling and permission for a new roof to the apartment unit, 2 no. bin stores at the front to each dwelling unit, and ancillary site development works.

Location

Ballinatrav Upper, Ardamine, County Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20221674

Applicant(s)

John and Christina Buckley.

Type of Application

Retention.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party

Appellant(s)

John and Christina Buckley.

Observer(s)

None.

Date of Site Inspection

23 September 2023.

Inspector

Stephen Rhys Thomas.

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1.0 Site Location and Description

1.1. The site is located at 1 and 1A Riverchapel Downs, Riverchapel, County Wexford. Riverchapel is a suburban extension south of Courtown and this area is characterised by conventional low density housing estates arranged in cul-de-sacs with large areas of grassed open space. The subject site is a two storey semi-detached house with the side garden occupied by a single storey extension. Both dwellings have large rear gardens separated by timber fencing.

2.0 Proposed Development

2.1. Permission is sought to retain:

- A single storey one bedroom apartment unit at the side of existing two storey dwelling and
- Permission for a new roof to the apartment unit, 2 bin stores at the front to each dwelling unit, and ancillary site development works.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission for two reasons that can be summarised as follows:

1. The position and scale of the dwelling unit would not integrate well into the street scene and negatively impact on the character of the area. The development would be contrary to section 3.7 Corner/Side Garden Sites, volume 2 of the Wexford County Development Plan 2022-2028.
2. The concrete post and timber fence boundary treatment is contrary to section 3.12.6, volume 2 of the Wexford County Development Plan 2022-2028, which requires concrete block walls (1.8-2 metres in height).

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis for the planning report can be summarised as follows:

- The floor area of the unit to be retained is 46.75 sqm, this is acceptable and meets the minimum floor area for apartments.
- A new hipped and parapet wall is proposed over the side extension, bin stores proposed to the front.
- The provision of a side and self contained unit is uncharacteristic of the area, will not reflect the layout of the estate, impact upon the streetscape unacceptable.
- Both units have acceptable levels of private amenity space, but the boundary treatment is not.
- Car parking acceptable and all services are already on site.

3.2.2. Other Technical Reports

Roads – no observations.

3.3. **Prescribed Bodies**

Uisce Éireann – both units are connected to water services.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

4.1. Site:

PA ref: 20221148 – Permission to retain a single storey self contained unit, refused for four reasons:

1. Position and scale, negative impact upon surroundings.
2. Consent form Irish Water, no information.
3. Concrete post and timber fence not acceptable.
4. Information about bin store lacking.

5.0 Policy Context

5.1. Development Plan

The **Wexford County Development Plan 2022 -2028** is the operative statutory plan for the area. Relevant policies and objectives include:

Objectives TV43, TV44 and TV54 are relevant. Specifically, Volume 2 Development Management Manual of the development applies as follows:

3.7 Corner/Side Garden Sites

The development of a residential unit in the side garden of an existing residential plot or on a corner site would contribute to the efficient use of lands and can enhance a streetscape. These proposals should comply with the requirements relating to infill development as set out in Chapter 5 Design and Place-making in Towns and Villages and:

- 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 maximise surveillance of public areas.

Courtown & Riverchapel – Local Area Plan 2015 – 2021 (as extended)

11.6 Infill and Backland Development

Infill housing in existing residential areas and the village centre will be considered. Potential sites may range from a small gap infill, unused lands, side gardens of existing houses, to larger undeveloped sites. Proposals for infill development will

need to clearly demonstrate that the proposal respects the existing character of the area and would not harm the amenities of adjoining properties.

5.2. **Natural Heritage Designations**

None relevant to this suburban site.

5.3. **EIA Screening**

- 5.3.1. Having regard to the nature and scale the development which comprises a single house to replace an existing house, in a serviced suburban 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**

- 6.1.1. The applicant has submitted a first party appeal, that can be summarised as follows:
- Riverchapel Downs is a combination of semi-detached two storey houses and detached bungalows. The appeal site was originally provided with a side garage extension from construction stage. The scale of the side extension is in character with the area and a revised roof profile will provide even more integration with the area and the streetscape. Materials and design all match the original house and others. Building lines are kept. Dual frontage is not a feature that would apply to such a site. The revised proposal complies with relevant elements of section 3.7 of the development plan. A bin store to the front of the dwellings will create a tidy appearance as opposed to other locations where bins are stored outside in an ad hoc way. The applicant will accept a condition to omit the bin stores.
 - It is understood that section 3.12 of the development plan refers to multi-unit schemes and is not applicable to side garden development. The provision of a block wall would be out of character with the exist rear boundaries between

properties, note photographs attached. The applicant will accept a condition to erect a concrete block wall.

6.2. Planning Authority Response

None.

6.3. Observations

None.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Side Garden Sites
- Boundary Treatment
- Other Matters
- Appropriate Assessment

7.2. Side Garden Sites

7.2.1. The first reason for refusal relates the position and scale of the development to section 3.7 Corner/Side Garden Sites and the negative impact that would result. The streetscape and character of the area would be adversely impacted upon, and this would be contrary to the development plan. The applicant disagrees and sets out the reasons why their development fits well into the surroundings. They point out that the side garage extension was an original feature of the housing estate and that the revised proposals that form part of this application increase the suitability of the development.

7.2.2. The area is typical of many low-density residential housing estates with wide roads, cul-de-sacs and large areas of grassed open space. The houses are arranged along the roads, some facing open spaces whilst others present long black facades to footpaths and linear spaces. In this estate the houses are a variety of semi-detached and detached dwellings with a single unifying design feature being brick detailing to parts of the front elevation. Overall, the area is characteristic of any suburban housing estate built in the last thirty years. The immediate area is not designated as an Architectural Conservation Area and there are no protected structures in the vicinity. In my mind, this kind of suburban housing estate is extremely adaptable and can support many forms of development including side extensions and where space allows, side garden dwellings. My observation of the wider area is that many side garages are positioned at corner sites and in some case these have been converted to habitable space.

- 7.2.3. The proposed development comprises a new roof profile over the entire side extension and a new parapet wall that runs along the existing boundary to the public road. Prefabricated bin stores are proposed to be located in the driveway along the southern and northern front boundary. The existing development it is proposed to retain comprises a combination of a pitched and flat roof over a one bedroomed side garden dwelling. Each dwelling within the application boundary will be provided with a driveway for off street parking and large rear gardens. In its present form the side extension/dwelling is a little ad hoc and the proposal to unify the structure beneath a roof profile to match the existing is a positive design feature.
- 7.2.4. In terms of the wider area, the proposed development will not be so out of character with its surroundings so as to cause a disharmonious effect. In accordance with the development plan, I find that the site is of a sufficient size to accommodate an additional dwelling, a set back is not necessary as the extension reads as ancillary to the main dwelling and does not lead to a terracing effect. The dwelling is designed and sited to match the established building line and respond to the roof profile of adjoining dwellings. The design of the dwelling successfully responds to the character of the area and adjoining dwellings through its roof profile and use of materials. This is a corner site and already presents a blank elevation to a marginal open space and footpath to the south. In my view there is no value in maximising surveillance of this public area and the blank elevation and former boundary wall should remain untouched. I am satisfied that all of the requirements set out by section 3.7 Corner/Side Garden Sites, of the development plan are met and the proposed development is acceptable without amendment.

7.3. Boundary Treatment

- 7.3.1. The second reason for refusal points out that the concrete post and timber fence boundary treatment is contrary to section 3.12.6, volume 2 of the Wexford County Development Plan 2022-2028, which requires concrete block walls (1.8-2 metres in height). The applicant highlights that the original boundary treatment between the rear gardens of houses in the estate was and is of timber construction, photographs submitted illustrate the point. In addition, the applicant disagrees that section 3.12.6 applies to houses in the side garden and is more applicable to multi-unit housing schemes. On this point I agree and section 3.7 Corner/Side Garden Sites of Volume 2 Development Management Manual of the development plan, is more rightly

applied to multiple unit proposals, not side garden dwellings. I am satisfied that section 3.12.6, volume 2 of the development plan, is not applicable, especially when section 3.12 is specifically focused on multi-unit (two or more units) residential schemes. In the case of the subject appeal, that being the retention of a side garden dwelling, I am satisfied that in order to maintain and contribute to a sense of harmony, a matching timber rear boundary treatment is entirely acceptable.

7.4. Other Matters

- 7.4.1. The applicant has interrogated the Planner's Report and notes concerns raised about the position and appearance of a dedicated bin storage area located in the front driveway of each dwelling. I note that the bin storage structure concern did not manifest itself in any of the reasons for refusal. The applicant has offered to omit this feature from the development. The bin storage area is a convenient prefabricated structure and seeks to create a tidy solution to the profusion of large plastic wheelie bins that populate front driveways. I have no similar concerns about the design and position of the proposed bin stores, and they should remain as part of the overall proposal.

7.5. Appropriate Assessment

- 7.5.1. I note the existing dwelling and serviced nature of this edge of town location, the site will benefit from access to public mains sewerage and water. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and lack of proximity to the nearest European site, I am satisfied that no appropriate assessment issues arise and that the proposed development would not be likely to have any significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to condition as set out below.

9.0 Reasons and Considerations

Having regard to the pattern of development in the area and to the nature and scale of the proposed development, it is considered that, subject to compliance with the

conditions set out below, the proposed development would be acceptable having regard to its design, would not seriously injure the visual or residential amenities of the area 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 completed and retained in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details including samples of the materials, colours and textures of all the external finishes to the proposed dwelling and garage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of protecting the character of the area.

3. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interests of clarity and public health.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 hours 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.

7. 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.

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.

Stephen Rhys Thomas
Senior Planning Inspector

25 September 2023