



An  
Bord  
Pleanála

## Inspector's Report ABP317860-23

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<b>Development</b>	Construction of a flat roof, detached two storey building for use as a garage, playroom and for storage.
<b>Location</b>	Druid Manor, 3 Violet Hill, Ballywaltrim Lane, Bray, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council.
<b>Planning Authority Reg. Ref.</b>	23526
<b>Applicant(s)</b>	Eamonn Maguire.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party vs Refusal
<b>Appellant(s)</b>	Eamonn Maguire
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	30 <sup>th</sup> November 2023
<b>Inspector</b>	Leah Kenny

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### Appendix 1 – Form 1: EIA Pre-Screening

## 1.0 Site Location and Description

The proposed development is at Druid Manor, 3 Violet Hill, Ballywaltrim Lane, Co. Wicklow. Ballywaltrim Lane runs parallel and close to the N11 just south of the Herbert Road access / exit west of Bray.

The existing property is a two-storey detached dwelling, set back in an elevated position above the lane (to the southwest) on its own grounds with off-street parking and a front and rear garden. A freestanding single-storey garden shed is located on one side of the property (along the northern boundary) and a separate smaller shed and boiler house are located on the other side of the house.

The immediate location is a well-established low-density peri-urban environment characterised by large two-storey detached houses (including Nos. 2 and 4 Ballywaltrim Lane) of varying character, and mature housing estates further afield.

The site has a stated area of 0.5015ha and the existing dwelling a stated area of 320sq m.

## 2.0 Proposed Development

The proposed development comprises a modern detached two-storey building (9.7m x 7.9m x 5.7m high) with a flat roof accommodating a garage at ground floor (to accommodate three vehicles), playroom and storage at first floor and WC facilities. It is sited along the northern boundary of the site, replacing the existing garden shed.

Water supply will be via the existing public mains. Management of wastewater will be via the existing conventional septic tank system.

## 3.0 Planning Authority Decision

### 3.1. Decision

By order dated 2<sup>nd</sup> August 2023, the planning authority decided to refuse permission for the development for 2 no. reasons as follows:

- Reason No. 1: The proposed garage by virtue of its size, scale and design is considered excessive, would be over and above the needs of the proposed

development, could not be considered ancillary to the main dwelling and would appear to be out of scale and character when viewed in context with the existing dwelling on site. To allow this structure would set an undesirable precedent for similar large-scale development in the absence of a genuine need and would be contrary to the amenities of the area and to proper planning and sustainable development.

- Reason No. 2: The applicant failed to submit sufficient evidence to demonstrate that the existing water treatment system on site has the capacity to cater for the proposed development which includes 2 no. WC's. The granting of planning permission for the proposed development would therefore be prejudicial to human health and would be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

#### **Planning Report**

The planning report is the basis for the planning authority's decision to refuse permission.

The main issues addressed in the Case Planner's report dated 28<sup>th</sup> July 2023 considered the proposed development in the context of the details submitted with the application, internal/external technical reports, and the policies and objectives of the Wicklow County Development Plan 2022 – 2028 and the Bray Municipal District Area Plan 2018. The following matters addressed in the planner's report are noted:

- Compliance with good design, density and existing residential amenity principles and objectives.
- Size of the proposal in relation to the existing building.
- Wastewater treatment.

#### **Other Technical Reports**

- Roads – No observations.
- Environmental Health Officer –requested certification that the existing septic tank and percolation area is in compliance with NSAI (SR6) of 1991.

- TII - Requested that the Planning Authority comply with official policy (DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities) and ensure a number of items such as capacity, safety etc. be abided by.
- Irish Water – No objection to the proposal but a number of conditions to be complied with if permission granted.

### 3.3. Prescribed Authorities

None

### 3.4. Third Party Observations

None

## 4.0 Planning History

There is no evidence of recent planning history for the subject site.

Decided cases in the vicinity of the proposal include:

- **Reg Ref 22/151 / ABP Ref 314979 and Reg Ref 22/1013 / ABP Ref 315055:** Planning permission was granted for two applications relating to Mandalay, Violet Hill House, Herbert Road (a Protected Structure) comprising a) demolition of existing single-storey rear extension and construction of new single-storey rear extension and b) an attic conversion. Both decisions were upheld following Third Party appeals.
- **Reg Ref 22/272 / ABP Ref 313725:** Planning permission was granted for installation of electric gates to a private avenue used by Tudor Violet Hill Company members. The decision was overturned by An Bord Pleanála following a Third-Party appeal.
- **Reg Ref 21/988 / ABP Ref. 311675:** Planning permission was granted for an extension to an apartment within Amber, Violet Hill (a Protected Structure) to the north of the subject property. The decision was overturned by An Bord Pleanála following a Third-Party appeal.

## 5.0 Policy Context

### 5.1. Wicklow County Development Plan 2022-2028

The main policy objectives relevant to the subject appeal are set out in Chapter 6 (Housing), and are as follows:

- **CPO 6.21:** In areas zoned 'Existing Residential', house improvements, alterations and extensions etc. in accordance with principles of good design and protection of existing residential amenity will normally be permitted (other than on lands permitted or designated as open space). While new developments shall have regard to the protection of the residential and architectural amenities, houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity.
- **CPO 6.22:** In existing residential areas, small scale infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties. However, on large sites or in areas where previously serviced, low-density housing becomes served by mains water services, consideration will be given to densities above the prevailing density, subject to adherence to normal siting and design criteria.

Volume 3, Appendix 1 sets out relevant design standards and principles which should be considered in the design of any new development. Although there are no specific standards for this type of development (i.e., a free stranding garage and playroom structure), the following are considered of relevance to the subject appeal insofar as they deal with accommodating additional development within an existing residential dwelling site:

- The principles included within Section 3.1.6 of the Development Plan relating to 'Infill / Backland Development in Existing Housing Areas':
  - The design of a new house should complement the area. Where an area has an established unique or valuable character worthy of preservation, particular care should be taken to match the style and

materials of the area; however, where an area is a 'mixed bag' of styles and periods, more flexibility can be applied;

- Particular attention will be required to be paid to the design and location of new windows, in order to ensure that the privacy of either the existing house on the plot or adjacent houses is not diminished.
- The principles included within Section 3.1.8 of the Development Plan relating to 'House Extensions':
  - The extension should be sensitive to the existing dwelling and should not adversely distort the scale or mass of the structure;
  - The extension shall not provide for new overlooking of the private area of an adjacent residence where no such overlooking previously existed;
  - While the form, size and appearance of an extension should complement the area, unless the area has an established unique or valuable character worthy of preservation, a flexible approach will be taken to the assessment of alternative design concepts.

## 5.2. **Bray Municipal District Area Plan 2018 – 2024**

The subject site is zoned 'Existing Residential' in the Bray Municipal District Area plan 2018 – 2024. The stated purpose of this zoning objective is to protect, provide and improve residential amenities of existing residential areas. The description for the zoning provides for *inter alia* "house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity".

## 5.3. **Natural Heritage Designations**

The site is not located within a designated Natura 2000 site, it does not adjoin such a site nor is it within the zone of influence of such sites.

## 5.4. **EIA Screening**

Having regard to the modest scale and nature of the proposed development and the absence of any significant environmental sensitivity in the vicinity of the site, 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**

In setting out the grounds of the First Party appeal, the appellant stated that:

- There is a need to securely store his classic car and motorcycle collection following several break ins.
- This collection is currently kept offsite, and the applicant wants to store it securely in a garage at his home location.
- Having an upper storey with a workshop/study/storage is a normal requirement for the type of house and garden in a location which would not be seen forming any part of the public demesne.
- The two WC's are required for medical reasons and there is no history that the existing sewage system is inadequate. Given the proposed garage is adjacent to the existing house this would not increase the requirement of the existing system.

### **6.2. Planning Authority Response**

No response provided.

### **6.3. Observations**

There were no observations.

### **6.4. Further Responses**

Not applicable.



## 7.0 Assessment

- 7.1.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the planning application, the First Party appeal, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues on this appeal are principle, scale and size, design and wastewater treatment.
- 7.1.2. Each of these issues is addressed in turn below.

### Principle

- 7.1.3. The Wicklow County Council Development Plan supports appropriate development throughout the county in accordance with the principles, policies and objectives laid down in the Plan.
- 7.1.4. Improvements, alterations, and extensions to the existing residential stock within the county, which are in accordance with the principles of good design and protection of existing residential amenity will normally be permitted.
- 7.1.5. Having regard to the above, and the residential zoning of the area I am satisfied that additional development, inclusive of garage facilities and playroom accommodation at an existing residential dwelling, is acceptable in principle.

### Scale and Size

- 7.1.6. The proposal is for a detached two-storey structure with a stated GFA of 129.34 sq. m. Notwithstanding the very generous size of the existing main house (320 sq. m) the proposed structure is a significant size its own right and would result in an additional 40% of GFA of accommodation on site.
- 7.1.7. I acknowledge the applicants stated requirement for safe storage of several classic cars and motorcycles and recognise that this will drive particular spatial requirements in terms of the ground floor of the proposal. I also note the generous playroom / storeroom accommodation at first floor level.
- 7.1.8. I consider the subject site to be a large and capable of accommodating additional development onsite; however, this must be considered in context. Where a proposed development provides ancillary accommodation to the main dwelling (i.e., a garage facility and playroom accommodation) it should be subsidiary in scale relative to the

main dwelling and ensure no negative impacts on the integrity of the primary dwelling. Having regard to the size of the proposed development I do not consider this to be the case in this instance.

7.1.9. Furthermore, the siting and design of the proposed development does nothing to minimise the impact of the size of the proposed development on the integrity of the primary dwelling, in that:

- The entire footprint of the structure is sited forward of the established building line of the main dwelling which is also on the same axis as the building line of the adjoining detached house (No.2).
- The main elevation (southeastern) is 9.7m (perpendicular to the main dwelling and oriented to face down the driveway) and is significant when compared to the front or side elevations of the main house at 13.5m and 11m respectively.
- The length of the structure is 7.9m along its southwestern elevation facing the lane, is significant when compared to the front elevation of the main house at 13.5m.
- The height (5.7m), scale and massing of the structure, its flat roof form and design dominates and overpowers the domestic architecture of the main dwelling.

7.1.10. Having regard to the foregoing, I consider the proposed development to be excessive relative to the main house and contrary to protecting its existing residential amenity and therefore is contrary to Development Plan Policy objective CPO 6.21.

## **Design**

7.1.11. The architectural approach for the proposed development is very different to the character of the existing dwelling and nearby adjoining properties – the hipped gable roof, gable dormer windows and central two storey projecting pitched dormer features being the defining characteristics of these dwellings. While these houses are set within their own grounds and are screened and oriented away from each other; they nevertheless present a cohesive pattern and style of development in the immediate area.

7.1.12. The design approach for the proposed garage / playroom structure is very different with a flat roofed modernist / industrial design reference. The main south-eastern elevation includes 3 garage doors at ground floor level and floor to ceiling glazing at

first floor level with a projecting balcony with glass guarding. There is a high solid to void ratio with a modernist approach to the placement of windows on both the southwestern and northeastern elevations. There northern elevation is featureless except for a soil vent pipe.

7.1.13. I note that Policy objective CPO 6.21 provides that improvements, alterations and extensions in areas zoned 'Existing Residential' will normally be permitted, once in accordance with principles of good design and protection of existing residential amenity.

7.1.14. I further note that this policy also encourages alternative and contemporary designs (including alternative materials, heights and building forms), to provide for visual diversity, albeit within the overarching context of protecting the residential and architectural amenities of houses in the immediate environs. In this regard, I agree there is an important place for alternative and contemporary designs, especially in residential architecture. However, I do not consider the design of the subject proposal to be appropriate. In this regard:

- The modern design of the proposal cannot be seen in isolation to its scale and siting, relative to the existing dwelling. It dominates; and as ancillary accommodation to the main house, it should not.
- The architectural motifs of the modern design are very different to the pattern and style of development in the immediate area. While this can sometimes work, in this instance and having regard once again to the scale and siting of the proposed development, it detracts from the residential and architectural amenities of the main house and wider area.

7.1.15. Successful modern contemporary designs can improve the visual amenity of an area. However, having regard to the design of the proposed development, its scale and siting, it is considered to be contrary to the established character of the area, will negatively impact the residential and architectural amenity of the main dwelling and adjoining properties, and is therefore contrary to Policy Objective CPO 6.21.

## **Wastewater Treatment**

7.1.16. There was a clear concern of the Council stated in the second reason for refusal that the applicant had failed to submit sufficient evidence to demonstrate the existing

wastewater treatment system on site has the capacity to cater for the proposed development. The appellant had the opportunity to address this matter in his response but failed to do so.

- 7.1.17. If there were no other issues or concerns associated with the proposed development, it is considered that wastewater requirements could be addressed by way of condition.

### **Appropriate Assessment Screening**

- 7.1.18. Having regard to the modest nature and scale of development, location in an suburban area, and absence of connectivity to European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

I recommend that planning permission be refused for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

Having regard to the excessive size and scale of the proposed ancillary development associated with the main dwelling, and its siting and design relative the existing dwelling, the proposed development will negatively impact the residential and architectural amenity of the main dwelling, adjoining properties, and the established character of the area contrary to Policy Objective CPO 6.21 of the Wicklow County Development Plan 2022-2028. The proposed development would, therefore, not be in accordance with the proper planning and sustainable development of the area.

**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.**



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Leah Kenny  
Planning Inspector

28th January 2024

**Appendix 1 - Form 1**  
**EIA Pre-Screening**  
**[EIAR not submitted]**

<b>An Bord Pleanála</b> <b>Case Reference</b>	<b>ABP317860-23</b>		
<b>Proposed Development Summary</b>	Construction of a flat roof, detached two storey building for use as a garage, playroom and for storage.		
<b>Development Address</b>	Druid Manor, 3 Violet Hill, Ballywaltrim Lane, Bray, Co. Wicklow.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)	<b>Yes</b>		
	<b>No</b>	X	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>			Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
	<b>Threshold</b>	<b>Comment</b>	<b>Conclusion</b>

