



An
Bord
Pleanála

Inspector's Report ABP-318362-23

Development

Permission for (a) the removal of container and demolition of existing outbuildings; b) access lane and gate to Kilbride Cottage; c) construction of 2no. 2 bed duplex apartments, at first and second floor balconies; d) vehicular access from Kilbride Lane with bike and bin storage at ground floor; e) boundary treatments and all associated siteworks within a three storey building

Location

Kilbride Cottage, Killarney Road, Bray, Co. Wicklow

Planning Authority Ref.

23648

Applicant(s)

Niamh & Robert Maloney

Type of Application

Permission

PA Decision

Refuse Permission.

Type of Appeal

First

Appellant

Niamh & Robert
Maloney

Observer(s)

None

Date of Site Inspection

25/01/2024

Inspector

Andrew Hersey

Context

1. Site Location/ and Description. The site is located in the suburban area of Bray and is located on the junction of the R767 and the L1963-0. The site comprises of a stated site area of 0.038ha. There a single storey commercial units located to the west and to the east there is a two storey commercial premises

(Kilbride Cottage) The site is a brownfield development site with outbuildings and a container on site for which permission is being sought to demolish the same. There is an gated access to the site from the pedestrian footpath.

2. Description of development. Permission is sought for:

- the removal of container and demolition of existing outbuildings;
- access lane and gate to Kilbride Cottage;
- construction of 2no. 2 bed duplex apartments, at first and second floor balconies;
- vehicular access from Kilbride Lane with bike and bin storage at ground floor;
- boundary treatments and all associated siteworks within a three storey building

3. Planning History.

- Planning Reg. Ref. 22/1351 for permission to construct two townhouses at this location refused permission for three reasons:
 - That the height and scale would form an incongruous feature in the area and be overbearing on neighbouring properties.
 - That the area and size of private open space, would be substandard.
 - That the proposal would constitute traffic hazard due to the absence of parking.
- Planning Reg. Ref 18/433 granted for the removal of container and demolition of existing outbuildings, extension and rearrangement of existing office to provide for 51 sqm additional floor area, the construction of 2 no 1 bed apartments (50 sqm each), 2 no parking bays

4. National/Regional/Local Planning Policy

The Wicklow County Development Plan 2022- 2028

- The Wicklow County Development Plan 2022- 2028 is the statutory plan in force at present and came into effect on the 23rd October 2022
- CPO 6.21: "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 (other than on lands permitted or designated as open space, see (PO 6.25 below). While new developments shall have regard to the protection of the residential and architectural amenities of houses in the immediate environs, alternative and contemporary designs shall be encouraged (including alternative materials, heights and building forms), to provide for visual diversity"
- Appendix 1 Section 3.1.6 Infill / backland development in existing housing areas sets out the required standards with respect of infill residential development. It states that: *Many older housing areas were built at densities and in such formats that resulted in particularly large plot sizes. Where opportunities arise for infill or backland type development, the following standards shall apply:*
 - *The site / plot must be capable of being developed in accordance with the density parameters set out for that area in the local area or town plan, or in any case in keeping with the prevailing density of the immediate area. Where no density limit is set (for example, in areas zoned 'existing residential'), the quantum of development that will be permissible will flow as a result of adherence to best development standards;*
 - *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;*
- *Gable walls abutting public areas (e.g. footpaths, car parking areas and open spaces) will not be permitted and a minimum separation of 0.9m will be required between the house gable and the side wall of the plot;*
- *Where the 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 plot, there must be adequate separation available to facilitate the required driveway (normally 3m) and allow a 0.5m 'buffer' area alongside any existing dwelling. Any deviation from this standard must be evaluated on traffic safety and residential amenity grounds;*
- *The re-design of access and car parking arrangements for the existing dwelling on the plot must be clearly detailed, and permission included for same where required; developments accessed from a long narrow • driveway must provide for the turning of vehicles within the site;*
- *Cognisance will be required to be taken of the potential of adjacent rear / side plots to be developed in a similar manner and separation between site boundaries, location of windows etc must not prejudice development options on the adjacent plot;*

- CPO 8.10 which seeks to 'protect, conserve and manage the built heritage of Wicklow and to encourage sensitive and sustainable development to ensure its preservation for future generations'

Bray Municipal District Local Area Plan 2018-2024

- The site is zoned as RE Existing Residential the objective of which is To protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located.

- R4 - To encourage in-fill housing developments, the use of under-utilised and vacant sites and vacant upper floors for accommodation purposes and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.

5. Natural Heritage Designations

- The nearest designated site is the Bray Head SAC (Site Code 000714) which is 2.5km to the east of the site

Development, Decision and Grounds of Appeal

6. PA Decision. Permission was refused for the following reason:

- The proposed development would seriously injure the amenities and depreciate the value of properties in the vicinity because the proposed height, scale and design of the development would form an incongruous feature in the area and would have an overbearing impact on the neighbouring properties and therefore would be contrary to the proper planning and sustainable development of the area.

7. Internal Reports

- Bray MD Report (5th September 2023) - recommends refusal on grounds that the vehicular entrance at the back of a narrow footpath beside a very busy intersection would create a traffic hazard due to high traffic and pedestrian conflicts and the lack of visibility at the entrance. The proximity of the vehicular entrance to the stop line of an extremely busy traffic-controlled junction would create a serious interruption to traffic flow at this strategically important junction.

8. Prescribed Bodies

- None received

9. Submissions

- None received

10. Grounds of Appeal

A First Party appeal was received by MPBA Architects was received on the 31th October 2023 In summary the appeal states that

- That the previous application on the site which was for 2 no. two-storey townhouses with no parking and permission was refused in part because there was no car parking provided on site
- That the current proposal provides for parking at ground floor level and therefore in order to provide sufficient internal space a 3rd storey had to be added.
- There are three storey developments in the vicinity of the site including Kilbride Court, Richmond Way, Kilbride Grove (which has the curved roofs adjacent to the site).
- The proposed development addresses the street, provides balconies and large windows which add to the street vibrancy and passive surveillance.
- That the use of the curved roof reflects those on the adjacent development
- That the design is appropriate and in keeping with good design and sustainable development and does not represent an incongruous feature in the area nor does it have an overbearing impact on neighbouring properties
- That the site is located close to bus stops where there is frequent buses the 145 every 10 minutes and 45A every 20 minutes. There is a Go car (rental car available at the crossroads of the Bog hill road within 100 metres of the site.
- If the Board deem parking is not required the applicants would be happy to resort back to the proposal applied for under Planning Reg. Ref. 22/1351

11. PA Response

None received

12. Observations

None received

Environmental Screening

13. EIA Screening

Having regard to the limited nature and scale of 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.

14. AA Screening

Having regard to the modest nature and scale of development, location in an urban area, connection to existing services 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.

2.0 Assessment

2.1. Introduction

- 2.1.1. I have examined the application details and all other documentation on file and I have inspected the site and have had regard to relevant local development plan policies and guidance.
- 2.1.2. I am satisfied the substantive issues arising from the grounds of this third party Appeal relate to the following matters-
- Principle of Development/Density/Compliance with minimum standards
 - Traffic Safety
 - Visual Amenities

2.2. Principle of Development

- 2.2.1. The proposed development is located on lands zoned as RE Existing Residential in the Bray Municipal Local Area Plan 2018-2024 where it is the policy of the council under the objective of which is 'To protect, provide and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located. I consider that the proposal is constitutes an Infill Residential Development.
- 2.2.2. National planning policy seeks generally that 40% all new residential development is constructed with the footprint of existing built up footprint of settlements
- 2.2.3. In this respect, I consider that the proposal generally complies with local and national planning policy with respect of residential development on urban infill sites.
- 2.2.4. The proposed development is located on a stated site area of 0.038ha which results in a density of 26 units/ha.
- 2.2.5. I note an apartment scheme to the north east, Richmond Way which is almost directly adjacent to the stie and which would have a similar density if not greater
- 2.2.6. With respect of the same, I consider that the construction of two apartments at this location to be acceptable in principal and I do not consider the proposal constitutes overdevelopment.
- 2.2.7. In terms of floorspace requirements, the proposal complies with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. While the same is noted I would consider that there is more scope to provide private open space on site other than resorting to balconies on the front elevation which overlook the street at first floor where they are exposed to noise and traffic fumes and will not be an acceptable provision of open space for future occupants.

2.3. Traffic Safety

- 2.3.1. This issue is the principle issue at stake with respect of this appeal. On the one hand vehicular access from the proposed development site is onto a local road adjacent to a busy (signalised) junction with the R767 where there is potential to comprise traffic

and pedestrian safety and disrupt the free flow of traffic at this junction. I note the report from the Area Engineer on file in this regard whom recommends permission be refused on the grounds of the proximity of the said entrance to the junction at the back of a narrow pedestrian pathway.

- 2.3.2. On the other hand if car parking is not provided then the case planner has concerns that potential occupants of the proposed apartments will park haphazardly elsewhere.
- 2.3.3. The appeal does state that there is frequent public transport options in the area. The 145 for instance (which travels to the city centre) has buses every 10 minutes (but takes over 2 hours to get to the city centre). The nearest Dart Station is 37 minute walk and Bray town centre is a 23 minute walk. I am not convinced that public transport options are sufficient or of high enough frequency to negate the need for private transport for future occupants.
- 2.3.4. On this basis I am of the opinion that parking needs to be provided on site and as such in order to mitigate against any traffic or pedestrian related hazard further detail is required for the applicant to establish safe access and ingress to the site.
- 2.3.5. Furthermore I am not convinced that there is sufficient turning space within the car park proposed. Autotrack analysis needs to be provided to show for the same.

2.4. Visual Amenities

- 2.4.1. The proposed building comprises of three stories, the ground floor car park and first and second floor two bedroomed duplexes. There is a balcony on the first floor facing the street. The ground floor is set back from the footpath by way of a railing behind which there is a landscaped garden
- 2.4.2. The roof is made up of curved sections constructed of metal profile which emulate that of the adjacent apartment complex to the north east.
- 2.4.3. Concerns arise with respect of the visual impact the proposed building has on Kilbride cottage to the east which is an attractive 2 storey building of vernacular proportions While it is appreciated that this building is not a protected structure I would consider it to be of vernacular importance and is as such protected under CPO 8.10 of the Wicklow County Development Plan 2022-2028 which seeks to 'protect, conserve and

manage the built heritage of Wicklow and to encourage sensitive and sustainable development to ensure its preservation for future generations’

- 2.4.4. The proposed development is not shown in context with the front elevation of Kilbride cottage but from the drawings submitted, the building will be significantly larger in terms of height (circa 4.0 metres higher) and massing than that of Kilbride Cottage
- 2.4.5. I also consider that the complex roof’s proposed will have an undue impact upon the setting of the cottage, though it is appreciated that the proposal emulates that of the apartment complex to the north west.
- 2.4.6. It is considered that the proposed balconies which provide for the required private open space element do not integrate with the overall design of the building
- 2.4.7. Though I am not opposed to a three storey building at this location, I am of the opinion that it should be a simpler structure which would enhance rather than take from the setting of Kilbride cottage, would be more appropriate in this context.

2.5. Residential Amenities

- 2.5.1. I note that there are no windows which overlook adjacent properties nor will significant overshadowing result to adjacent properties as a consequence of proposed development.

3.0 Recommendation

- 3.1. I recommend that permission for the development be refused permission for the following reason:

- 1) It is the objective of the council under CPO 6.21 of the Wicklow County Development Plan 2022-2028 that in areas zoned 'Existing Residential', appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted. Additionally, it is the objective of the council under CPO 8.10 of Wicklow County Development Plan 2022-2028 to protect, conserve and manage the built heritage of Wicklow and to encourage sensitive and sustainable development to ensure its preservation for future generations’.

Having regard to:

- a) The location of the proposed development site adjacent to Kilbride Cottage, a period building of vernacular merit.
- b) the overall complex design and overbearing impact on the setting of Kilbride Cottage and
- c) the lack of clarity with respect to vehicular access arrangements and turning movements within the site and lack of clarity with respect of the impact the vehicular access would have on the safety of pedestrians and safety and freeflow of traffic on the adjacent public road
- d) the poor quality of the private open space serving the apartments in the form of first floor balconies adjacent to a busy road where noise and fumes that would impact upon the enjoyment of the said private open space.

It is considered that the proposed development would result in incongruous form of development which would erode the setting of Kilbride Cottage, a period building of vernacular merit, would result in traffic and pedestrian hazard, and would result in an unacceptable provision of private open space serving future occupants. The proposed development would, therefore, contravene Objective CPO 6.21 and Objective 8.10 of the Wicklow County Development Plan 2022-2028 and would be contrary to 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.

Andrew Hersey

Planning Inspector

19th February 2024