



An  
Bord  
Pleanála

## Inspector's Report ABP-318655-23

<b>Development</b>	Sub-division of existing site, partial demolition of existing single storey habitable structure, replacement with new single storey dwelling, creation of new vehicular entrance onto Dunbar Close, and all associated site works		
<b>Location</b>	Rockville, Dunbar Road, Wicklow A67 P61.		
<b>Planning Authority Ref.</b>	Wicklow Co Council 2360/46		
<b>Applicant(s)</b>	Sadhbh and Kyle Petrie		
<b>Type of Application</b>	Permission.	<b>PA Decision</b>	Grant
<b>Type of Appeal</b>	Third party	<b>Appellant</b>	John Cleary and others
<b>Observer(s)</b>	None		
<b>Date of Site Inspection</b>	5 <sup>th</sup> Feb 2024	<b>Inspector</b>	Ann Bogan

### 1.0 Context

#### 1. Site Location/ and Description.

The site is located in the southern residential suburbs of Wicklow Town. The overall site contains two dwellings Rockville and Ithica, which currently have a shared access off Dunbar Road. The site backs on to Dunbar Close, a cul de sac of 14 detached houses. A pedestrian laneway runs along the eastern site

boundary connecting Dunbar Road and Dunbar Close. The area comprises a mixture of house types and sizes.

## **2. Description of development.**

The main elements of the proposed development are:

- Subdivision of site into separate sites for each dwelling
- Alterations to existing entrance on Dunbar Road
- Demolition of existing c.45sq m dwelling unit (lthaca) and its replacement with a 45sqm single storey one bed dwelling
- Construction of a new vehicular access off Dunbar Close to serve reconstructed dwelling
- Construction of new boundary wall between the two dwellings

Further information was requested and submitted including details of sightlines for proposed access off Dunbar Close and information on ownership of land required to construct access.

## **3. Planning History.**

**10/623406** Doyle: refused permission for demolition of existing garage and apartment and proposed new two storey building comprising one replacement apartment and one townhouse with connection to existing services on site and all site ancillary works including revised layout and improvements to entrance.  
Reasons: density, lack of private open space for apartments, design of car parking area and restricted sightlines, design and visual amenity.

**99/622333** George Cardiff: Application for two houses – withdrawn

**95/621990** George Cardiff permission granted for extensions and alterations

**90/621939** Permission granted for extension

## **4. National/Regional/Local Planning Policy (see Appendix 1)**

Wicklow Town and Rathnew Development Plan 2013:

Zoning: RE Existing residential: to protect and preserve residential uses and provide for infill residential development

Wicklow County Development Plan 2022-2028:

The Wicklow County Development Plan 2022-2028 was adopted by the Planning Authority on 12<sup>th</sup> September 2022. It has regard to national and regional policies in respect of compact development, targets for infill and brownfield development, and sustainable mobility. Relevant policies and objectives include:

- CPO 6.21 Protection of residential amenities in new developments in existing residential areas
- CPO 6.22 Infill development in existing residential areas
- CPO 12.34 Requiring new access to roads to be in line with National policy and guidance documents, including DMURS
- Appendix 1 Section 3.1.6 design standards for infill /backland development

Design Manual for Urban Roads and Streets (DMURS)

- Subsection 4.4.1 recommendations for local streets in residential areas

## **5. Natural Heritage Designations**

- Murrough SPA

## **2.0 Development, Decision and Grounds of Appeal**

### **6. Planning Authority Decision**

#### **6 (a) Planning Report**

Having regard to the existing development on the site and the pattern of development in the area, the Planning Officer considered the proposed development to be acceptable in terms of traffic safety and that it would not injure the visual amenities or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area. This recommendation formed the basis of the Planning Authority decision to grant permission, Standard conditions included re surface water disposal and water connection.

#### **6.(b) Submissions/Observations**

Seven observations were submitted to the Planning Authority, raising similar issues to those raised in the appeal.

## **7. Third Party Appeal**

Appeal submitted by a group of residents from Dunbar Close. The grounds of appeal, in summary, are:

- Appeal solely relates to grant of permission for creation of new vehicular entrance onto Dunbar Close to serve new dwelling.
- Ithica already served by existing entrance onto Dunbar Road. There is adequate parking on site to serve both houses. No requirement for new entrance off Dunbar Close
- Concern that sub-division and creation of new entrance will open opportunity to sell and redevelop the site in future
- Two planning applications for additional houses were refused by Wicklow Co Council in the past (97/622196, 91/621703). This precedence should continue or other developers could try the same from surrounding properties
- Wicklow Co Council have charge of the roads and footpaths and services to the estate but do not maintain the common areas. Estate maintained by residents for 40 years. Having charge does not prove ownership of the common areas.
- Social and economic impacts of the proposed development: it will increase traffic flow, density and have negative impact on amenity of quiet estate where people can congregate and children can play in relative safety
- Applicants' site does not abut estate road and vehicular access would have to cross over common areas which are maintained by residents and not in ownership of applicant. No consent sought from residents for this and it has not been proven that applicant has legal right to do this.
- Residents with a second car and visitors park on estate road. Road is very narrow and can only accommodate 2 cars passing.
- Planned entrance will create a traffic hazard to vehicles exiting Ithica and to vehicles approaching or leaving the hammer head turning area, particularly if there are parked cars on the road. Risk of collision with cars departing house 14, opposite the proposed entrance.
- Road is very narrow in front of houses 12,13, 14 and there are often three cars parked there, which, with the new entrance, would create very tight turning circles for cars leaving these properties.

- Traffic hazard to pedestrians using footpath which connects Dunbar Close to Dunbar Drive as new entrance is just a short distance from this footpath. Cars reversing out of Ithica will have restricted sightlines to the footpath and the road in both directions.

#### **8. Planning Authority Response**

- None.

#### **9. Applicants response**

- Proposed development is replacement for similar unit and principle of infill dwelling has been established for more than 60 years. Decision to permit its replacement does not affect existing residential amenities or the social, environmental or density character of the area.
- Principle issues to be addressed in appeal are confined to a) whether there is any objection in principle to a new entrance onto the existing cul de sac road, and b) whether the entrance proposed complies with relevant road/traffic safety standards and guidelines.
- Zoning objective for area seeks to balance protection of existing residential uses with new infill development
- County Development Plan (Chapter 3): priority will be densification of existing built up areas, reuse of brownfield sites and backland development, while respecting existing build fabric and residential amenities
- Traffic concerns raised should be addressed in context of sustainable development policies in Chapter 12 of County Development Plan (CPO12.30 and CPO12.34).
- Key issue of principle as regards new entrance is whether it would comply with DMURS. Appeal arguments with regard to road width, sight distance and vehicle priority ignore policy framework and appear to be diametrically opposed to DMURS
- Planning Authority decision to permit appears to confirm the disputed area at proposed entrance is vested in the local authority and there is no requirement for applicants to have consent of Appellants to access the public road here

- Dunbar Close is 125m long, 6ms wide and flanked by footpaths and is more than adequate to serve a cul de sac of 14 or 15 houses.
- DMURS recommends local streets in residential areas should be narrower than Dunbar Close. Therefore, no engineering justification for grounds of appeal statements re narrowness of street and potential traffic hazard
- Unreasonable to suggest that there would be any perceptible impact on circulation from applicants' vehicles occasionally traversing the 100m stretch of 6m wide carriageway between the proposed entrance and junction of Dunbar Close with Glenside Road
- Revised drawings submitted confirmed clear line of sight in both directions from new entrance and proposed low planter at boundary of new entrance would allow clear line of sight to pedestrian pathway and barrier to side of driveway.
- Appeal alleges proposed entrance would have negative impact on amenity of estate and refers to two applications for houses at Dunbar Close refused by Wicklow Co Council. However, most recent one, decided on appeal by the Board, determined Dunbar Close did have capacity to accommodate an additional dwelling from traffic and density viewpoints. Permission only refused on ground of material contravention of open space provision in governing permission for estate.

### 3.0 Environmental Screening

#### 10. 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.

#### 11. 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.

## **4.0 Assessment**

### **4.1. Background/Introduction**

4.1.1. The proposed development involves the subdivision of Rockville House and Ithica so that each dwelling has a separate curtilage and separate entrance. Ithica, which has been in residential use for many decades, would be reconstructed as a single storey one bedroomed dwelling. The area has a mixed pattern of residential development with varying sizes and dwelling types and the Planning Authority considered the proposed layout and reconstructed dwelling would be acceptable and in character with the pattern of development in the area. The third party appeal relates solely to issues connected with the provision of the new entrance off Dunbar Close to serve Ithica.

4.1.2. Having examined the application and appeal documentation on file and having regard to relevant local and national policy and guidance and visited the site, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. I am satisfied that all other issues were fully addressed by the Planning Authority. The main issues, therefore, are as follows:

- The principle of new entrance onto Dunbar Close
- Traffic safety issues
- Residential Amenities
- Legal issues

### **4.2. Principle of the development**

4.2.1. Dunbar Close is an existing cul de sac of single storey dwellings. The proposed entrance would be on the eastern side of the cul de sac road, close to the turning head, while the houses in the vicinity have driveways onto the opposite side of the road. I am satisfied that the provision of an entrance for a dwelling in this location

would not be out of character of the area and would be in keeping with the Development Plan zoning objective to provide for infill development, and I consider the proposed entrance to be acceptable in principle.

#### **4.3. Traffic and pedestrian safety**

- 4.3.1. The existing road is approximately 6m in width with footpaths and grass verge on the western side. The appellants have raised concerns in relation to potential traffic hazard from traffic departing the proposed entrance. Drawings were submitted by way of further information which show that adequate sightlines are available in both directions at the proposed entrance and a low planter is proposed to give a clear view of pedestrians using the adjacent pathway to Dunbar Road.
- 4.3.2. Concerns were raised that an entrance opposite existing houses, with parked cars outside these houses would result in greater difficulty in manoeuvring cars out of driveways creating a risk of traffic hazard. The road width is in excess of what would be required under DMURS for a new development (5.0m-5.5m for local roads) and I am satisfied that the road is of adequate width to serve the existing and proposed development. The proposed entrance meets the required design standards, and the one bedroomed house is very unlikely to generate an increased level of traffic such as to cause a traffic hazard or a significant increase in congestion.

#### **4.4. Residential amenities**

- 4.4.1. The scale of the proposed development is such that I am satisfied that it would not have a significant impact on residential or recreational amenities in the area. The entrance would cross a very narrow strip of ground, to access the roadway. It acts as a narrow verge to the road and could not be considered part of the open space serving the estate. Furthermore, as outlined above, the additional traffic generated by the development is unlikely to have any significant impact on residential amenities.

#### **4.5. Legal issues**

The road adjoining the entrance has been taken in charge by the Planning Authority. The appellants raise concerns that the proposed entrance will cross over a common area which is not in the ownership of the applicant. The applicants have carried out legal searches and are maintaining that the parcel of land is not privately owned and



refer to it as commonage. Establishing the ownership of the strip of land is outside the remit of An Bord Pleanála. Section 34(13) of the Act states that a developer must be certain under civil law that he/ she has legal rights in the land to execute a permission and it is recommended that this be brought to the attention of the applicant.

## 5.0 Recommendation

5.1. I recommend that permission for the development be granted.

## 6.0 Reasons & Considerations

Having regard to the zoning of the site, the pattern of development in the vicinity of the site, the nature and extent of the proposed development, and the provisions of the Wicklow County Council Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential of the area or of property in the vicinity, 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.

## 7.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 18th day of October 2023, 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><b>Reason:</b> In the interest of clarity.</p>
----	---

2.	The developer shall enter into water and wastewater connection agreements with Irish Water.  <b>Reason:</b> In the interest of public health.
3.	Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.  <b>Reason:</b> In the interest of public health.

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.

---

Ann Bogan  
Planning Inspector  
7<sup>th</sup> February 2024

## **Appendix 1 Policy framework and guidelines**

### **Wicklow County Development Plan 2022-2028**

**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 CPO 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.

**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 unserved, 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.

**CPO12.34** The design of new roads or improvements to existing local roads and new means of access onto roads shall generally comply with the guidance set out in the 'Design Manual for Roads & Bridges' Wicklow County Development Plan 2022-2028 Chapter 12 | Sustainable Transportation DMRB (TII), the 'Design Manual for Urban Roads and Streets' DMURS (DTTA-DHPLG), the 'Traffic Management Guidelines' (DoT-DoELG-DTO) and 'Recommendations for Site Development Works for Housing Areas' (DoELG) as appropriate. as may be amended and revised, unless local conditions determine otherwise.

#### **Design Manual for Urban Roads and Streets (DMURS)**

Extracts from Section 4.4.1 Carriageway widths:

Research in the UK has found that narrow carriageways are one of the most effective design features that calm traffic ..

.....The standard carriageway width on Local streets should be between 5-5.5m (i.e. lane widths of 2.5-2.75)