



An
Bord
Pleanála

Inspector's Report

ABP-318702-23

Development	<i>Complete vehicular entrance granted under planning reference number 15/1168 with alterations to layout.</i>		
Location	<i>(Side Garden) Hillview Windgates, Greystones Road, Bray, Co. Wicklow.</i>		
Planning Authority Ref.	<i>23/651.</i>		
Applicant(s)	<i>Jennifer Griffin.</i>		
Type of Application	<i>Permission.</i>	PA Decision	<i>Grant Permission.</i>
Type of Appeal	<i>Third Party</i>	Appellant	<i>Charles and Una Lyons</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>22-02-2024</i>	Inspector	<i>Adam Kearney</i>

Context

1. Site Location/ and Description.

The site is located along a cul de sac road, c.3km south of Bray on the Greystones Road. Access piers are constructed in line with an existing stone wall circa 3m back from the road edge to access a dwelling that is already constructed. Currently the entrance is boarded up and not in use, the property is currently being accessed via the property to the south.

2. Description of development

Complete entrance granted under planning reference number 15/1168 with alterations to layout so that the entrance will differ from conditions 8 & 9 granted under that permission. It is now proposed to recess the entrance 5m from edge of road with splayed walls with overall width of 6-8m but to retain as much of the masonry wall as possible in order to protect privacy to both the dwelling house granted under 15/1168 and adjoining properties to the east of the main road

3. Planning History

Planning Ref: 15/1168 - Jennifer Griffin - granted permission for a dwelling with wastewater treatment plant including percolation area, new entrance & ancillary works - Expiry 20/03/2022.

Condition No. 8

The entrance gates shall be recessed 5m from the public road carriageway. The recessed space shall be splayed with wing walls, timber fences or stone banks not exceeding 0.8m in height (including any pillars), splayed to provide an overall width of 6 - 8m along the roadside boundary.

Reason: In the interests of traffic safety

Unauthorised Development

- UD5695C - warning letter issued 8th June 2023

Alleged unauthorised development on the subject site of the grant of planning permission under Planning Register Reference (PRR) 15/1168 of the 21st of March 2017, for a dwelling house, non-compliance with the respective requirements of the following conditions of that permission:

- UD5579C - case closed.

4. Local Planning Policy

Wicklow County Development Plan 2022 – 2028

Appendix 2 Single Rural House Design Guidelines

Entrance Design & Driveways

- New entrances shall be required to comply with current engineering safety standards with respect to sightlines and gradient and set back sufficiently to allow a car to pull off the road while a gate is being opened or closed.
- The appearance of entrances shall be modest and suitable to the rural context and grandiose entrances with high wing walls, pillars and elaborate gates will not be permitted.
- Where feasible, the location of the entrance and driveway should be offset from the location of the dwelling so as to retain the roadside boundary to the front of the house.

Note: There are illustrative figures and pictures detailing acceptable and unacceptable configurations. An example sketch illustration shows a 5m setback dimension albeit this is not prescribed as a minimum dimension in the written statement or appendices.

5. Natural Heritage Designations

- Not Relevant

Development, Decision and Grounds of Appeal

6. PA Decision

Planning Authority granted permission subject to 2 no. conditions following a satisfactory response to a request for Further Information which sought more detail in the form of a topographic survey to establish the accurate details around levels and sightlines.

Having regard to the location and design of the proposed development, it is considered that, subject to compliance with the conditions set out in the schedule below, the proposed development would be acceptable in terms of traffic safety and convenience and would not seriously injure the visual amenities of the area and would therefore be in accordance with the proper planning and development of the area.

1. This permission refers to the development as described in the documents lodged, as revised by particulars submitted 1st November 2023, save as the conditions hereunder require.

Reason: For clarification.

2. (a) Within six months of the date of final grant, the works detailed in the drawings submitted on 1st November 2023 shall be carried out. On completion of these works, photographic evidence shall be submitted to the Planning Authority.

(b) The new section of wing wall shall match the existing wall.

(c) The levelled section of road verge either side of the entrance shall be finished in grass.

Reason: In the interest of traffic safety and visual amenity

7. Third Party Appeal.

Grounds:

- Traffic hazard and the proposed entrance - Appellants acknowledge that a vehicular entrance was previously granted on the application site, their concerns in relation to the subject proposal relate to traffic safety and ensuring that the proposed gate is located 5 m away from the edge of the existing original tarmac road in line with the requirements of Appendix 2 of the Wicklow County Development Plan 2022-2028*

- *Scale and extent of the proposed wing walls and gate posts – highlights issues around the proposed height and again refers to Appendix 2 of the CDP*
- *Potential impact of the proposed works on existing sewage pipes - potential negative impacts on groundwater. Raises concerns around the location of a wayleave for wastewater drainage.*
- *Appellants respectfully request that An Bord Pleanála refuse permission for the new vehicular entrance due to inadequate information on the impact on sewer pipes crossing the application site, pipes crossing the application site.*

FIRST PARTY RESPONSE

- No accidents along this section of *Cul de Sac*
- Road used to be the main Bray to Greystones Road and was sufficient to take the traffic and is largely unchanged now.
- 6 months after the existing piers were erected a complaint was made to the Planning Authority
- Appellants did not object to the original permission and now it appears they want the access closed altogether.
- Dismisses claims about sewerage pipe interference.
- An entrance is completed, and this did not interfere with the drainage, and neither will the proposed modified entrance.
- In respect of the kerb on the flat, the applicant instructed the builder to form a lip to stop surface water from the road entering their property.
- Kerb is not on the road but on the grass margin.

8. PA Response

- *None*

Environmental Screening

9. EIA Screening

Having regard to the limited nature and minor 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.

10. AA Screening

Having regard to the modest nature and minor scale of development, 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. Having visited the site, reviewed the planning file and the grounds of appeal I believe the primary issues are as follows:

- Principle of development
- Traffic Safety
- Other matters

2.2. *Principle of Development*

The property benefits from permission granted in 2017 (Planning Ref. 15/1168) for development of a dwelling which included an entrance at the same location, and which was covered by condition No. 8 of the PA decision to grant. The dwelling is constructed and currently accessed from a residual link with the dwelling to the south as the existing entrance that includes 2 no. in-line capped and rendered piers and some inset horizontal flat kerbing is not currently in use. The existing entrance is as per the location indicated but the precise configuration is not substantially as per the parent permission. However, the subject proposal reflects a closer representation whereby an increased depth allows for a 5m setback from the roads edge. The wing walls are higher, but this better integrates with the existing boundary wall. I am satisfied that the principle of an access entrance has been established at the subject

location and that the redesign of the access as presented in the subject application is substantially as per the grant of the parent permission.

2.3. Traffic Safety

As set out heretofore, permission has already been granted with a condition applied in relation to the construction of the entrance at the same location dating back to 2017. The subject application provides for wing walls and setback piers that allow a 5m dwell area inside the existing road edge and before the proposed gate. The Further Information submitted by the applicant included more detailed topographical analysis and has demonstrated that adequate sightlines are available for the design speed of the road. The setback proposed should enhance safety for both general road users and those accessing and egressing the property, surpassing the existing arrangement.

In addition, I note that the *Cul de Sac* is lightly trafficked as it is no longer a functioning through road. While I accept that the road is also used by those availing of the Bray Head Looped Trail, the volumes are not significant. During the period of my visit, I observed one car travelling at low speed and while I accept that the weekends and summer period may attract additional vehicle movements, I do not foresee any outcome where the proposed entrance would present a hazard.

There was an emphasis in 3rd party submissions and in the appeal that the road verge is not the actual verge, and that overgrowth has reduced the carriageway width. While I would agree that there may be some overgrown hardstanding, I do not believe that this is necessarily problematic. To revert to a 6m plus carriageway along this section would be a retrograde step that would encourage greater speeds. The natural narrowing of the carriageway in combination with the creation of a further entrance should serve to reduce the speed in real terms and result in a safer, low speed environment.

The appeal highlights the appendix to the CDP and a 5m setback as a requirement. From my reading of the CDP however it does not contain a minimum 5m setback requirement, albeit there is an example entrance plan illustrated that provides this setback dimension.

Irrespective, the current proposal adheres to Condition 8 of Planning Ref 15/1168 in the main and the 5m setback as per the parent condition is proposed. I am satisfied therefore that the proposal will not present a traffic hazard and will not be visually incongruous.

2.4. Other Matters

There were issues raised in the appeal around drainage and wayleaves. These matters are not within the remit of the current application. It should be noted that the entrance at this location was already granted permission and the proposal seeks modifications and does not seek a material relocation of the entrance.

3.0 Recommendation

3.1. I recommend that permission for the development is Granted.

4.0 Reasons & Considerations

Having regard 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 in terms of traffic safety and convenience and would not seriously injure the residential amenities in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

1.	<p>The proposed 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 received by the planning authority on the 1st of November 2023, except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>(a) Within six months of the date of final grant, the works shall be carried out and on completion of these works, photographic evidence shall be submitted to the Planning Authority.</p> <p>(b) The new section of wing wall shall match the existing wall in terms of finish and height.</p> <p>(c) The levelled section of road verge either side of the entrance shall be finished in grass and kept free of planting or street furniture that may inhibit sightlines.</p> <p>(d) Any gates shall open laterally or inward and not outward onto the public domain.</p> <p>Reason: In the interest of traffic safety and visual amenity</p>
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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.

Name: Adam Kearney

Planning Inspector

Date: 05-03-2024