



An
Bord
Pleanála

Inspector's Report

ABP-318930-24

Development	Demolition of existing house and construction of house permitted by Ref. 20200278 with modifications and ancillary site works
Location	Doogans Warren, Rosslare, Co. Wexford
Planning Authority	Wexford Co. Co.
Planning Authority Reg. Ref.	20231324
Applicant(s)	Michelle McNicholas and Billy Power
Type of Application	Permission
Planning Authority Decision	Grant subject to 4 no. conditions
Type of Appeal	Third Party
Appellant(s)	Conor Shanley
Observer(s)	David Shanley
Date of Site Inspection	27 th March 2024
Inspector	Bernard Dee

1.0 Site Location and Description

- 1.1. The appeal site is located in Walsheslough in Rosslare village in an area known as Doogans Warren. The appeal site is approximately 150m south of the village centre (the crossroads) and is located on the west side of Coast Road which runs in a north-south direction one block west of the seashore. Between the Coast Road and the seashore there are several holiday chalets while the appeal site itself is a single storey dwelling in a row of 4 no. houses.
- 1.2. The appeal site itself has an area of 0.4ha and is currently occupied by a single storey dwelling. There is a similar but larger single storey dwelling to the south and two houses to the north the adjacent house being single storey and the house further north is two storey in a modernist architectural style.

2.0 Proposed Development

- 2.1. The proposed development is comprised of the erection of a two storey house in a modernist style previously permitted by Ref. 20200278 and to modify this design by the addition of a home office on the roof and a storage area at ground floor level to the rear of the proposed house.
- 2.2. The areas of additional space proposed by the modifications is approximately 45m² in addition to the 150m² previously permitted by Ref. 20200278. The storage structure to the rear is proposed to be finished in painted render as will the two storey house, but the additional structure at second floor level will be clad in Corton Steel which has a rusted effect finish and colour.
- 2.3. Vehicular access is proposed onto the existing public road (none presently exists) and parking for 2 no. cars is also proposed. Mains water supply and connection to the mains sewer are proposed to service the site.

3.0 Planning Authority Decision

3.1. Decision

Permission for the proposed development was granted on 20th December 2023 subject to 4 no. standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report on file, in summary, had regard to the following planning issues:

- The proposed modification to the permitted house is deemed to be in compliance with the policies and objectives of Wexford County Development Plan 2022-2028.
- The contemporary design and rusted metal finish of the second floor structure is appropriate to its context and visually acceptable.
- Overlooking potential associated with the proposed second floor room and terrace is minimal but the glazing to the stairwell and the west facing windows of the home office structure should be obscure to prevent compromising the amenity of any dwellings potentially developed to the west of the site.
- Access proposals are acceptable subject to conditions.
- The proposed landscaping of the second floor terrace adds additional private open space to the proposed dwelling.
- Neither AA nor EIA is required in relation to the proposed development.
- Recommend a grant of permission subject to conditions.

3.2.2. Other Technical Reports

- Roads Section – recommended a grant subject to conditions.

3.2.3. Prescribed Bodies

- There are no submissions on file from Prescribed Bodies.

3.2.4. Observations

- An Observations was received from Conor Shanley who is the Third Party appellant in this case.

4.0 Planning History

4.1. On the Appeal Site

- Ref. 20200278 – on the current appeal site permission was granted on 19th June 2020 for the demolition of the existing house on the site and the construction of 1 no. detached two storey house subject to 11 no. conditions.

4.2. In the Vicinity of the Appeal Site

- Ref. ABP306854-20 (20191681) – on a site on the opposite side of Coast Road to the east) to the appeal site permission was granted on appeal (Third Party) on 21st July 2020 for the demolition and rebuilding of an existing chalet and site ancillary works.

5.0 Policy and Context

5.1. Development Plan

The Wexford County Development Plan 2022-2028 is the relevant Development Plan for the area.

Rosslare is located in a designated 'Coastal Zone' (Volume 1, Map 3) where the following policy objectives apply:

12.4 Coastal Zone Management Spatial Strategy

12.4.1 The Coastal Zone

The policies and objectives of this chapter refer to the entire coastal area of our County. It includes the foreshore and the areas within any of our coastal towns and villages. It will also include the new nearshore once defined. The area to which these policies apply are not defined on a map.

The Plan contains two maps which relate to the coastal area and they each have a different application:

Map 3 Coastal Zone in Volume 1 Written Statement shows the Coastal Zone and it is read in conjunction with Chapter 4 Sustainable Housing in so far as it relates to rural housing.

Map 7.1 Landscape Character Units in Volume 7 Landscape Character Assessment shows the Coastal Landscape Unit, and it is read in conjunction with the policies and objectives of Chapter 4 Sustainable Housing, Chapter 11 Landscape and Green Infrastructure and Volume 7 Landscape Character Assessment.

Objective CZM03 -To maximise the economic development potential of the county's coastal and maritime areas subject to compliance with the objectives of the County Development Plan with regard to the location of economic development, the protection of the scenic amenity and views associated with coastal areas and the maritime area which is crucial to the tourism industry, the protection of the amenity, livelihood and cultural well-being of coastal communities, the protection and restoration of coastal features, habitats and species, compliance with the Habitats Directive and normal planning and environmental criteria and the proper planning and sustainable development of these areas.

Objective CZM08 -To implement any future Marine Planning and Development Management Act in so far as it relates to the duties and functions of the Planning Authority, in particular, the assessment of planning applications and planning enforcement in the newly designated nearshore area.

Objective CZM35 (new developments within settlements with no coastal protection works) -Within established coastal settlements located on a soft shoreline and where there is an identified coastal erosion risk and where there are no coastal protection works in place and no such work is underway or planned by the Council, the Council will only consider the development of infill sites where the development is **a minimum of 100m** (or such greater distance as may be specified by the Planning Authority having regard to the data

sources referred to in Objective CZM29) from the soft shoreline. In those circumstances the following applies:

- The development must not extend the length of the coastline that may require coastal protection works in the future.
- The applicant must objectively establish based on the best scientific information available at the time of the planning application that the likelihood of erosion at the location is minimal taking into account, inter alia, any potential impacts of the proposed development on erosion or deposition.
- The onus will be on the applicant to provide the evidence (including appropriate modelling which incorporates climate change) to demonstrate that the development will not be at risk over its lifetime. The Planning Authority will have regard to recent and historic trends and events and the data sources referred to in Objective CZM29 in assessing such applications.
- The applicant must also demonstrate that the proposed development will not pose a significant or potential threat to coastal habitats or features and is compliant with the Habitats Directive.

5.2. Natural Heritage Designations

The following natural Heritage designations are located in the vicinity of the appeal site:

- Seas off Wexford SPA (004237).
- Wexford Harbour and Slobs SPA (004076).
- Wexford Slobs and Harbour pNHA (000712).

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive 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

The relevant planning issues raised by the Third Party are, in summary, as follows:

- The proposed modifications to the permitted house are not minor in nature as stated by the applicant but involve the addition of another level adding 3m to the height of the permitted two storey house.
- Given the scale of the alterations proposed a new application for permission should have been lodged with the Planning Authority.
- The increased height will have a detrimental impact on the visual amenity of the area and should be refused permission on this basis.
- The application site area encroaches onto the appellant's property and this issue has been the subject of the exchange of solicitor's letters between the parties involved.

6.2. Planning Authority Response

- The Planning Authority has not responded to this appeal.

6.3. Applicant Response

The First Party in response makes the following planning related points:

- As the proposed house is to be the full-time residence of the applicants some modifications to the previously permitted house on this site were required to accommodate full-time occupancy.
- The second floor addition is in keeping with the design of the permitted house, does not overlook any properties in the vicinity of the site and with the proposed rusted metal cladding, the overall design of the house is appropriate to its setting and will not have an adverse impact on same.

6.4. Observations

- The Observation received from David Shanley makes the same points as the Third Party appellant in this case.

7.0 **Assessment**

7.1. Having examined all the application and appeal documentation on file, 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 have not referenced above comments of the Third Party and Observer regarding encroachment of the appeal site boundary on their property as this is a civil matter and not within the remit of the Board to adjudicate upon. Similarly, references by parties to legal correspondence and complaints to the Gardai have not been taken into account in my assessment below as these issues are outside the scope of the Board's remit and hence should be disregarded.

7.2. The assessment issue therefore relates to the visual impact of the proposed modification on the streetscape of the area.

7.2.1. The issue of AA Screening is also addressed in this assessment.

7.3. Visual Impact

7.3.1. The Third Party and Observer contend that the proposed modifications will increase the height of the previously permitted house at this location by 3m by the addition of a structure at second floor level. Their submissions state that this increase in height will have an adverse impact on the visual amenity of the area. The submissions have not raised any overshadowing or overlooking issues in relation to the home office and terrace proposed at second floor level. The ground floor storage area proposed is not contentious or referenced in the appeal submission.

7.3.2. The First Party counter argument is that the additional second storey modification is in keeping with the overall style of the previously permitted dwelling and that the proposed corton steel finish will be harmonious with the overall design of the house and will not have an adverse impact on the visual amenity of the area.

- 7.3.3. With respect to the potential impact associated with the proposed modifications to Ref. 20200278, I would comment that it is not proposed to add an additional floor level as implied by the appellant but rather to construct a rather modest home office and access stairwell on the roof of the permitted two storey dwelling.
- 7.3.4. The modifications are contemporary in style and blend in with the previously permitted design while the rusted steel serves to add interest to an otherwise rather bland streetscape. An additional 3m in height to a section of the permitted two storey development will not have any significant effect in terms of visual impact, and any effect, in my opinion, would be beneficial rather than detrimental.
- 7.3.5. It should be noted that the flat roof area is not proposed as a terrace but as a green roof and there does not appear to be access from the home office onto this open space area so issues of overlooking do not arise.
- 7.3.6. I do not feel that there is a need for obscure glazing on the western facing windows of the home office and stairwell (Condition No. 2 of the Planning Authority decision) to protect the privacy of potential residential development on the vacant site to the west of the appeal site. Should this vacant site be developed at some point in the future then appropriate privacy conditions can be applied to the new development.
- 7.3.7. Having regard to the above, I would advise the Board that there is no obstacle with respect to the visual impact associated with the proposed modifications to a previously permitted house in granting permission for the proposed development if it is minded to do so. I have examined other aspects of the proposed development such as layout, design, access arrangement, overlooking potential, overshadowing, standard of amenity and potential impacts on the residential amenity of the area and I find that all planning aspects of the proposed development are satisfactory.
- 7.3.8. The Board may wish to consider the dismissal of this appeal under the provisions of subsections (1)(a)(i) of section 138 of the Planning and Development Act, 2000 (as amended) as, in my opinion, the issues raised in the Third Party appeal are without substance or foundation.

7.4. AA Screening

7.4.1. Having regard to the relatively minor modifications proposed to a previously permitted development within an urban area and the distance from the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would 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 granted for the proposed modifications to the previously permitted dwelling for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Wexford County Development Plan 2022-2028, and to the previously permitted house (Ref. 20200278) on the site, it is considered that the proposed modifications would not seriously injure the visual or residential amenity of the area or have an adverse impact on the receiving environment. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 2nd November 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>Reason: In the interest of clarity.</p>
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2.	<p>Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 19th day of June 2020 under planning register reference number 20200278, and any agreements entered into thereunder.</p> <p>Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.</p>
3.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise, dust and vibration management measures, rock breaking/excavation methodologies and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

7.	<p>Prior to commencement of development, the developer shall enter into a water and sewage connection agreement with Irish Water.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <ul style="list-style-type: none"> (a) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment (b) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established (c) A timescale for implementation, including details of phasing, which shall provide for the planting to be completed before the dwelling is first made available for occupation. <p>Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p>
9.	<p>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.</p> <p>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</p>

	applied to the permission.
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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.

Bernard Dee
Planning Inspector

28th March 2024

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

An Bord Pleanála Case Reference	ABP-318930-24		
Proposed Development Summary	Demolition of existing dwelling and construction of a new dwelling amending a previously permitted development, new vehicular entrance and all ancillary site works		
Development Address	Doogans Warren, Rosslare, Co. Wexford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
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?			
Yes			EIA Mandatory EIAR required
No	√		Proceed to Q.3
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]?			

		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	√			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: 28th March 2024

Bernard Dee