



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319737-24

|                                |   |                    |                                 |
|--------------------------------|---|--------------------|---------------------------------|
| <b>Development</b>             | <i>Permission for new vehicular entrance, revisions to roadside boundary, provision of off street parking and associated site works</i> |                    |                                 |
| <b>Location</b>                | <i>3 New Brighton Terrace, Parnell Road, Bray, Co. Wicklow</i>  |                    |                                 |
| <b>Planning Authority Ref.</b> | <i>2460122</i>  |                    |                                 |
| <b>Applicant(s)</b>            | <i>Miles &amp; Louisa Eames</i>   |                    |                                 |
| <b>Type of Application</b>     | <i>Permission</i>   | <b>PA Decision</b> | <i>Refuse Permission.</i>       |
| <b>Type of Appeal</b>          | <i>First</i>  | <b>Appellant</b>   | <i>Miles &amp; Louisa Eames</i> |
| <b>Observer(s)</b>             | <i>None</i>   |                    |                                 |
| <b>Date of Site Inspection</b> | <i>24/08/2024</i>   | <b>Inspector</b>   | <i>Andrew Hersey</i>            |

#### Context

**1. Site Location/ and Description.** The site is located in the central urban area of Bray, Co. Wicklow. There is a mid-terrace two storey period house on site with small front garden enclosed by a rendered wall and which contains a pedestrian gate. The house forms a part of a terrace of 4 houses at this location all of which have enclosed front gardens

The stated site area is 0.28ha

**2. Description of development.** Permission is sought for:

- A new vehicular entrance,
- Revisions to roadside boundary,
- Provision of off street parking and associated site works

### **3. Planning History.**

None on site

Adjacent

- Planning Reg. Ref. 06/630313 granted permission to develop a new vehicular entrance and associated groundworks

### **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 23<sup>rd</sup> October 2022
- 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'
- CPO 8.20 - Where an item or a structure (or any feature of a structure) is considered to be of heritage merit (where not identified in the RPS"), the Planning Authority reserves the right to refuse permission to remove or alter that structure / item, in the interests of the protection of the County's architectural heritage.
- 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.

## **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.
- AH4 Where an item or a structure (or any feature of a structure) is considered to be of heritage merit (where not identified in the RPS), the Planning Authority reserves the right to refuse permission to the remove or alter that structure/item, in the interests of the protection of the County's architectural heritage

### **5. Natural Heritage Designations**

- The nearest designated site is The Bray Head SAC (Site Code 000714) which is located 1.6km to the south east

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

### **6. PA Decision.** Permission was refused for the following reasons:

1. *The proposed development would endanger public safety by reason of traffic hazard and obstruction of road users as (a) the proposed entrance would result in the removal of on street parking spaces on Parnell Road thereby reducing the amount of public car parking available on the area and (b) cars parked in the proposed driveway would likely encroach on the footpath area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
2. *The proposed development is to a period terrace building of architectural significance recorded in the National Inventory of Architectural Heritage as being of regional architectural and artistic significance. The proposed development including alterations to the front boundary wall for the construction of a vehicular entrance and parking space to the front of the terrace, would seriously injure the visual amenities and architectural heritage of the area and would materially contravene objective AH4 in the*

*Bray Municipal District Local Area Plan 2018: “Where an item or a structure (or any feature of a structure) is considered to be of heritage merit (where not identified in the RPS), the Planning Authority reserves the right to refuse permission to the remove or alter that structure/item, in the interests of the protection of the County’s architectural heritage“ The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*

## **7. Internal Reports**

- Bray District Engineers report (dated 12<sup>th</sup> March 2024) states: Refusal Recommended. The proposal would provide inadequate space for car sizes to park and would result in a vehicle encroaching on the public footpath and cause a hazard to pedestrians. The creation of one private off-street parking space at this location would result in the loss of two shared public on-street parking spaces.

## **8. Prescribed Bodies**

- None received

## **9. Submissions**

- None received

## **10. Grounds of Appeal**

A First Party appeal was lodged by the appellants on the 16<sup>th</sup> May 2024. In summary the appeal states that

- That they require an entrance into the front garden for the purposes of parking and charging their electric car
- That the proposal only involves minor works comprising of the removal of a portion of the boundary wall and dishing the kerb on the public footpath
- There are many houses on the street with front garden parking
- That the visual impact is negligible (a photomontage has been included)
- The proposal would not result in the loss of two on street parking spaces as suggested in the municipal engineers report. They currently park their

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| <p>combustion car on the street and it is proposed that this would now be replaced with an electric car in the proposed driveway. There will therefore be no net loss in parking</p> <ul style="list-style-type: none"> <li>• There are over 600 car parking spaces located within a 2-4 minute walk of the proposed development site.</li> <li>• The proposed development will not result in traffic hazard and endanger public safety</li> <li>• With respect to impacts to visual amenities, the appellants show other period properties in the area with parking in the front garden – on Old Brighton Terrace, on 7 Strand Terrace, and on Meath Road</li> </ul> |
| <p><b>11. PA Response</b></p> <p><i>None received</i></p>   |
| <p><b>12. Observations</b></p> <p><i>None received</i></p>  |

## 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-

- Heritage Impact
- Traffic Safety/Loss of Car Parking

### 2.2. Heritage Impact

2.2.1. The proposed development comprises of alterations to the front boundary of a mid-terrace period property on Parnell Road, Bray.

2.2.2. The building is part of a terrace of 4 houses at this location. The terrace is not listed as a protected structure in the statutory development plan serving the area. All four houses in the terrace, including No. 3, the site subject of this appeal are however listed on the National Inventory of Architectural Heritage and have been afforded a regional rating due to their architectural and artistic merit.

2.2.3. CPO 8.20 of the Wicklow County Development Plan 2022-2028 states *Where an item or a structure (or any feature of a structure) is considered to be of heritage merit (where not identified in the RPS)", the Planning Authority reserves the right to refuse permission to remove or alter that structure / item, in the interests of the protection of the County's architectural heritage.*

2.2.4. Similarly, Policy AH4 of the Bray Municipal District Local Area Plan 2018-2024 states *Where an item or a structure (or any feature of a structure) is considered to be of heritage merit (where not identified in the RPS), the Planning Authority reserves the right to refuse permission to the remove or alter that structure/item, in the interests of the protection of the County's architectural heritage*

- 2.2.5. The proposed works comprise of making an opening in the front wall of the front garden to allow access for a car. The works also include for the construction of a parking space within the front garden. I note that the pedestrian gate is proposed to be retained
- 2.2.6. No works are proposed to the actual building itself – and therefore there will be no impact to the façade of the same other than potentially a car blocking the view of the façade as viewed from the street.
- 2.2.7. The appellants state that they require a parking space in the front garden to charge an electric car. The appeal states that they currently own a car with a combustion engine which is parked out on the street.
- 2.2.8. The fundamental issue here is as to whether the proposed works will impact materially on the visual quality of the house and the terrace all of which have enclosed front gardens with pedestrian access only. The Board should also be aware that if permission is granted for this development then precedent will be set for similar type developments in the other houses within the terrace. If one is granted permission then it can be taken that the other three will likely follow suit.
- 2.2.9. I consider that the removal of the front boundary wall to facilitate parking will have a detrimental impact upon the visual quality of the terrace and while the argument that a car parking space within the bounds of the property is required for charging a car is compelling, I do not consider that it overrides the impact that the proposal will have on the visual quality of the terrace.
- 2.2.10. With respect of the foregoing, I consider that the proposed development does not contravenes CPO 8.20 of the Wicklow County Development Plan 2022-2028 and Policy AH4 of the Bray Municipal District Local Area Plan 2018-2024

### **2.3. Traffic Safety/Loss of Car Parking**

- 2.3.1. The report from the Bray District Engineer is noted where it is stated in summary that
- The proposal will result in the loss of two on street car parking spaces
  - That the space within the site is not sufficiently sized for a car and therefore would encroach on the public footpath

- 2.3.2. I note from Table 2.1 of Appendix A, Development & Design Standards of the Development Plan that a car parking space (perpendicular to the kerb) requires 5 x 2.5 metres(table 2.1)
- 2.3.3. The site layout plan submitted with the application shows for a space of 2.8 metres between the proposed pillars which define the entrance to the driveway. The length of the driveway is not stated, 5.252 metres is stated as the distance from the back of the pillars to the rising wall of the house but this does not take into consideration the depth of the ground floor bay window which I estimate to be at least 1.0 metres deep which would leave a space of only 4.2 metres which is below the size for car parking spaces as stated in development plan standards. The concern raised by the engineer with respect to encroachment on the footpath therefore has merit. Pedestrians, pedestrians with buggies or wheelchair users may be forced to go out on the road to avoid the potential encroachment.
- 2.3.4. With respect to the loss of two kerbside spaces - I would consider that this would not be the case as the width of the site is only a stated 6.182 metres which is just over the width of one space.
- 2.3.5. In any rate, having regard to the fact that the space within the site is not sufficient in length to accommodate a car on site, it will result in a potential to encroach on the public footpath which will hinder pedestrians and in particular disabled footpath users. The proposal will therefore impact on pedestrian and traffic safety.

### **3.0 Recommendation**

- 3.1. I recommend that permission be refused for the following reasons:
1. The proposed development would endanger public safety by reason of traffic hazard and obstruction of road users, in particular pedestrians and disabled users as cars parked in the proposed driveway would likely encroach on the footpath area. The proposed development would endanger public safety by reason of traffic hazard and would therefore be contrary to the proper planning and sustainable development of the area.



2. The proposed development is to a period mid-terrace house which forms part of four houses in a terrace at this location which is of architectural significance and is recorded in the National Inventory of Architectural Heritage as being of regional architectural and artistic importance. The proposed development including alterations to the front boundary wall for the construction of a vehicular entrance and parking space to the front of the terrace, would impact upon the visual quality and architectural heritage of the terrace and would therefore contravene objective AH4 in the Bray Municipal District Local Area Plan 2018 which allows the council to refuse permission for a development which seeks to alter a structure of architectural heritage merit so as to preserve the county's architectural heritage. The proposed development will result in an unacceptable impact to the visual quality and architectural heritage of the terrace which the proposed development site is part of and would therefore 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.

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Andrew Hersey

Planning Inspector

18<sup>th</sup> September 2024