



An
Bord
Pleanála

Inspector's Report

ABP-319785-24

Development	<i>Permission for rooftop apartment with associated works</i>		
Location	<i>4 Wentworth Place, Wicklow Town</i>		
Planning Authority Ref.	<i>2460148</i>		
Applicant(s)	<i>Wentworth Residential Apartments</i>		
Type of Application	<i>Permission</i>	PA Decision	<i>Refuse Permission.</i>
Type of Appeal	<i>First</i>	Appellant	<i>Wentworth Residential Apartments</i>
Observer(s)	<i>None</i>		
Date of Site Inspection	<i>24/08/2024</i>	Inspector	<i>Andrew Hersey</i>

Context

1. Site Location/ and Description. The site is located within the urban area of Wicklow Town on Wentworth Place. There is a 4 storey building on site fronting onto the road with access to a car park to the rear by way of an arched entrance. The stated site area is 0.129ha

2. Description of development. Permission is sought for:

- New rooftop apartment comprising 91sq.m.
- All necessary ancillary works to facilitate this development

3. Planning History.

- Planning Reg. Ref. 17/622 granted permission to a Baracca Ltd for change of use from office section of the existing building to 10 No. residential apartment units together with demolition of internal walls to incorporate proposed alterations to internal layout together with miscellaneous revision and alterations to elevations with associated site works.
- Planning Reg. Ref. 07/3117 granted permission for 3 Storey over basement office extension, change of use of existing 3 storey over basement from residential to office

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"
- CPO 6.3 New housing development shall enhance and improve the residential amenity of any location, shall provide for the highest possible standard of living of occupants and in particular, shall not reduce to an unacceptable degree the level of amenity enjoyed by existing residents in the area.

Wicklow Rathnew Development Plan 2013

- 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.

National Planning Framework 2040

- NPO 3a Deliver at least 40% of all new houses nationally within the built up footprint of existing settlements
- NPO 35 Increase residential development in settlements through a range of measures including infill development schemes.

Sustainable Urban Housing - Design Standards for Apartments 2021

- Sets out the most recent standards for apartment development.

5. Natural Heritage Designations

- The nearest designated site is The Murrough SPA (Site Code 004186) which is located 200metres to the east

Development, Decision and Grounds of Appeal

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

- 1. The proposed development would result in the loss of the existing good quality communal open space, which is the only functional communal open space on site serving the 14 residential apartment units of the development. The proposed development would seriously injure the amenities of the residents and would depreciate the value of property. Furthermore, the proposed development would be contrary to Ministerial Guidelines 'Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for planning authorities' 2022 which sets out minimum standards and guidelines for the provision of communal amenity space in apartment developments. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
- 2. Having regard to the design, bulk and treatment of the proposed roof extension, the proposed development would fail to integrate with the design*

of the existing building and would be visually obtrusive. The proposed development would seriously injure the visual amenities of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

7. Internal Reports

- None received

8. Prescribed Bodies

- Uisce Eireann (8th April 2024) - no objection subject to conditions.

9. Submissions

- None received

10. Grounds of Appeal

A First Party appeal was received by Farry Town Planning obo Wentworth Residential Apartments Ltd. was received on the 23rd May 2024. In summary the appeal states that

- That the apartment block in question, which comprises of all 14 apartments is owned by one individual and that each of the apartment are rented individually..
- Each apartment has its own private open space.
- That higher densities are encouraged in urban areas as per Appendix A Development & Design Standards Section 3.1.1 of the development plan which states in part that: *Higher densities are encouraged to achieve an efficient use of land and create compact, vibrant and attractive settlements. The capacity of a site to absorb higher densities is influenced by a range of factors including the local setting, development context, neighbouring uses, access, topography etc. The preparation of a design statement, including a detailed contextual and site analysis, will help determine a site's capacity and the appropriate density.*
- Appendix A Development & Design Standards Section 3.1.4 of the development plan is also cited which states that: *The need to provide public*

open space in town centre developments may be waived if the development specifically achieves other overriding aims of this Plan, particularly where public amenity space such as a town park or beach is in close proximity;

- The appellant states that there is sufficient public space in the vicinity of the site to serve the residents needs
- With respect to visual amenity considerations as outlined in the second reason for refusal, the appellant states that the site is not located within an ACA nor is the building listed on the Record of Protected Structures. The appellants states that it will be difficult to view the said development from the surrounding area.

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 Considerations
- Compliance with minimum standards
- Loss of Public Open Space
- Car Parking
- Visual Amenities

2.2. Principle of Development/Density Considerations

2.2.1. The proposed development is located on lands zoned as RE Existing Residential in the Wicklow Rathnew Development Plan 2013 where it is the policy of the council '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 compliant with this land use zoning objective.

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 sites.

2.2.4. The proposed development is located on a stated site area of 0.129ha on which there are currently 14 apartments. This gives a density of 109 units/ha. The proposed apartment subject of this appeal if permitted would result in a density of 116 units/ha

- 2.2.5. I refer to the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2023) which states under Table 3.3 Metropolitan Towns (>1,500 population) – Centre and Urban Neighbourhoods that: *The centre and urban neighbourhoods category includes: (i) the town centre and immediately surrounding neighbourhoods, (ii) strategic and sustainable development locations, and (iii) lands around existing or planned high capacity public transport nodes or interchanges (defined in Table 3.8). It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 150 dph (net) shall generally be applied*
- 2.2.6. The site is proximate to the town centre and there is a train station within a 15 minute walk.
- 2.2.7. With respect of the foregoing, I consider that the construction of the rooftop apartment at this location to be acceptable in principle.

2.3. **Compliance with minimum standards**

- 2.3.1. In terms of floorspace requirements, the proposal complies with Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities – 91sq.m. is proposed for a 1 bed apartment. I note that there is ample private open space proposed as part of the apartment (44sq.m.)

2.4. **Loss of Private Open Space**

- 2.4.1. This issue is the one of the key issues at stake with respect of this appeal and is the subject of the first reason for refusal issued by the Planning Authority which states in part that: *The proposed development would result in the loss of the existing good quality communal open space, which is the only functional communal open space on site serving the 14 residential apartment units of the development,*
- 2.4.2. The appellant in the submission rightly points out that the council did not have regard to their own development plan which states, under Appendix A Development & Design Standards Section 3.1.4 of the development plan that: *The need to provide public open space in town centre developments may be waived if the development specifically achieves other overriding aims of this Plan, particularly where public amenity space such as a town park or beach is in close proximity*

- 2.4.3. It is clear from the appeal that there are several areas of public open space located in close proximity to the proposed development including a public park almost directly adjacent to the site (Wicklow Abbey). There is also a beach 200 metres to the east of the site. In this regard I would consider that there is sufficient public space within the vicinity of the site to negate the use of the existing rooftop garden and to fulfil the open space requirements of the occupants of the existing apartments.
- 2.4.4. I further note that each apartment in the building has its own area of private open space.
- 2.4.5. I note that from submissions on the file that all of the apartments are owned by a single entity and are rented out as individual units
- 2.4.6. With respect to the foregoing, I consider that the loss of the rooftop garden which currently serves residents as an area of public open space, can be replaced with a rooftop apartment without compromising the open space needs of the residents and therefore the proposal is acceptable in this town centre location.

2.5. Visual Amenities

- 2.5.1. The proposed build comprises of a single storey extension to the roof of the existing building and which is made up of areas of open space and areas of built structure which I understand are to be clad in a metal finish to mimic that of a metal roof on a nearby church spire.
- 2.5.2. I note that the site is not located within an ACA nor is the structure subject to this proposal listed on the Record of Protected Structures.
- 2.5.3. I agree the appellant whom states that it will be difficult to make out this structure from the level of the streetscape in the vicinity of the site or from the wider area.
- 2.5.4. With respect of the same, I do not consider that there will be any significant negative visual amenity implications as a consequence of the proposal.

2.6. Residential Amenities

2.6.1. The proposed development will not result in any degradation of the residential amenities of adjacent properties.

2.7. Car Parking

2.7.1. It is noted that there are 14 spaces at present to serve the 14 existing apartments on site. There is no parking therefore proposed to serve the additional unit.

2.7.2. I note that the case planners report states that car parking on site is acceptable.

2.7.3. Section 4.19 of the guidelines Sustainable Urban Housing - Design Standards for Apartments 2022, states that *'In larger scale and higher density developments, comprising wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances'*

2.7.4. Having regard to the location of the proposed development site, and its proximity to the town centre and a railway station, which serves Dublin and beyond (15 minute walk) it is considered in this instance that an on-site car parking site will not be required to serve the proposed development.

3.0 Recommendation

3.1. I recommend that planning permission for the said development be granted.

4.0 Reasons & Considerations

Having regard to the information submitted with the application and 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 comply with the zoning objective for the site and the policies with respect of residential development as set out in the Wicklow County Development Plan 2022 – 2028, would not be injurious to the visual or residential amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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>
2.	<p>Details, including samples, of the materials, colours and textures of all the external finishes to the proposed apartment 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>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health</p>
4.	<p>The developer shall ensure that the site is appropriately maintained and that the public road remains free of any dirt and debris during the construction phase of development.</p> <p>Reason: In the interest of proper planning and orderly development.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Monday to Fridays, between 0800 and 1400 hours on Saturday 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: To safeguard the residential amenities of adjoining property in the vicinity</p>

6.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
7.	<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 applied to the permission.</p>

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

13th September 2024