



An
Bord
Pleanála

Inspector's Report

ABP-320674-24

Development	Construction of 3No. detached houses with new access entrance and connection to existing services.
Location	Knockenrahan Upper, Wexford Road, Arklow, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	24285
Applicant(s)	Yeun Wah Wong Lee
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Morgan Doyle
Observer(s)	None
Date of Site Inspection	18 th October 2024
Inspector	Emma Nevin

1.0 Site Location and Description

- 1.1. The appeal site (0.145ha.) is located on the western side of the Wexford Road between the junction with the Meadowvale residential development to the south and the Wexford Road roundabout to the north.
- 1.2. The site is roughly rectangular in shape with frontage onto the Wexford Road/R772 to the east. The site is currently overgrown and inaccessible. As per the submitted plans, there are site level differences across the site with a site level difference of circa 2.2 metres between the front of the site and the road. Site levels increase gently to the west/rear of the site. The eastern end of the site is circa 2 metres lower than the existing site level of the eastern end of the properties located to the north and south.
- 1.3. There is a two-storey detached dwelling located to the north of the site and the same to the south. The rear gardens of 3 no. bungalows back onto the western boundary of the application site.

2.0 Proposed Development

- 2.1. The development comprises the construction of 3 no. detached two storey dwellings. The proposed dwellings will be arranged in a linear form, with staggered buildings lines and will be orientated east, towards Wexford Road.
- 2.2. Each dwelling has a proposed floor area of 145.8 sq. m. with an overall height of 7.7 metres. The dwellings will be contemporary in form with an a-framed roof, gable fronted elevation, however, no details of proposed materials and finished have been submitted. A proposed floor plan, section and photomontage drawing has been submitted as part of the planning application.
- 2.3. The site will be accessed via a new shared access onto Wexford Road with dedicated parking to serve each proposed dwelling unit.
- 2.4. Associated site works include connections to existing services, and hard and soft landscaping.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority granted permission, following further information request, on 18th August 2023, subject to 8 conditions, which included the following:

- Conditions 2 relates to financial contributions.
- Condition 3 relates to occupation of the units.
- Condition 4 relates to drainage details to be agreed.
- Condition 5 relates to entrance details to be agreed.
- Condition 7 relates to boundary treatments to be agreed.
- Condition 8 relates to Uisce Eireann.

3.2. Planning Authority Reports

3.2.1. A Planning Report dated 8th August 2024 has been provided.

3.2.2. This planning application was assessed under the Wicklow County Development Plan, 2022 – 2028.

3.2.3. The planners report concluded that the proposed development is acceptable and in accordance with the objectives of the Arklow and Environs Local Area Plan (LAP) 2018-2024 and the Wicklow County Development Plan 2022-2028 subject to compliance with a number of conditions (9 no. conditions) with regard to finishes and surface water drainage.

3.2.4. Other Technical Reports

Municipal District Engineer: Report received stating no objection subject to conditions.

Environmental Health Office: Report received stating no objection subject to conditions.

3.3. Prescribed Bodies

None on record.

3.4. Third Party Observations

3.4.1. Three third party submissions were received, the issues raised can be summarised as follows:

- Considered that the houses are of a poor-quality design and out of character with the adjoining properties.
- Concerns that the density on the site is excessive and will result in the overdevelopment of the site which is out of scale with the surrounding properties.
- Submitted that the site is more suitable to a single-family home which would be more in keeping with the properties on either side of the site.
- Submitted that the proposed dwellings will lead to excessive overshadowing due to their height and proximity to the neighbouring properties.
- Noted that it is proposed to raise the level of the site to the front by 2 metres. There are concerns regarding the impact this will have on adjoining properties. Submitted that Section A-A demonstrates that this is required to make the proposed development feasible however Section B-B which crosses through the adjoining properties ignores the need to raise the site levels.
- Not clear if a retaining wall will be required noting the proposal to increase the site level.
- Concerns raised regarding the safety of the shared access for 3 additional dwellings onto the
- Wexford Road noting the recent development of Meadowvale to the rear of the site.
- Concerns regarding the surface water drainage arrangements on the site noting that flooding occurred in the gardens of the adjoining properties on either side in 216 after heavy rain. It is submitted that a drain on the application site was blocked at the time and the problem resolved once this drain was unblocked. Requested that this drain is located again and protected and that a stormwater pipe be laid along the southern boundary of the site to enable the adjoining property to use this drain.

4.0 Planning History

4.1. Subject Site:

- 4.1.1. 00/610133: Planning permission was granted by the local authority on 23rd November 2001 for a detached two storey house and garage with connection to public services plus a new driveway access off main road.
- 4.1.2. 00/610052: Planning permission was refused by the local authority on 4th August 2000 for 2 no. semi-detached 2 storey dwellings with connection to public services and new driveway access off main road to site.

Reasons for Refusal

"1. The proposed development would infringe on existing building line and would be contrary to the proper planning and development of the area because the proposed development is side onto the public road and the existing development is fronted onto the public road.

2. The proposed development is deficient in respect of foul and surface water disposal to the public mains.

3. The proposed development would seriously injure the amenities of property in the vicinity because of overlooking and lack of privacy front and rear.

4. The proposed development would seriously depreciate the value of property in the vicinity because the development of semi-detached dwellings would not be compatible with the existing pattern of development in the area".

5.0 Policy Context

5.1. **Wicklow County Development Plan 2022 – 2028**

- 5.1.1. Chapter 4 - Settlement Strategy - Arklow Level 3 Self Sustaining Growth Town.
- 5.1.2. Core Strategy: The population of the settlement is targeted to increase from 13,226 in 2016 to 15,419 by Q2 2028.
- 5.1.3. Arklow is designated a Level 3 Self-Sustaining Growth Town within the Core Region. It is the main centre located in the south of the County. Although frequency of

service could be improved, there are good public transport facilities in Arklow including the Dublin to Rosslare rail line and Bus Eireann services. In addition, the town is located on the M/N11 road link with south-east.

5.1.4. Housing Occupancy Controls

5.1.5. As a 'Self-Sustaining Growth Town', the settlement should provide urban housing for people from across the County and region.

5.1.6. Chapter 6 - Housing

5.1.7. Section 6.3.5 Density- Table 6.1 Density Standards

5.1.8. Relevant Housing Objectives

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.

CPO 6.4 - All new housing developments (including single and rural houses) shall achieve the highest quality of layout and design, in accordance with the standards set out in the Development and Design Standards (Appendix 1) and the Wicklow Single Rural House Design Guide (Appendix 2).

CPO 6.5 - To require that new development be of the highest quality design and layout and contributes to the development of a coherent urban form and attractive built environment in accordance with the following key principles of urban design:

- Strengthening the character and urban fabric of the area;
- Reinforcing local identity and sense of place;
- Optimise the opportunities afforded by the historical and natural assets of a site / area;
- Providing a coherent, legible and permeable urban structure;
- Promoting an efficient use of land;
- Improving and enhancing the public realm;
- Conserving and respecting local heritage;

- Providing ease of movement and resolving conflict between pedestrians/cyclists and traffic;
- Promoting accessibility for all; and
- Cognisance of the impact on climate change and the reduction targets for carbon emissions set out by the Government.

CPO 6.16 - To encourage and facilitate high quality well-designed infill and brownfield development that is sensitive to context, enables consolidation of the built environment and enhances the streetscape.

5.1.9. Chapter 12 - Sustainable Transportation

5.1.10. Chapter 13 - Water Services

5.1.11. Section 13.2 Water Services objectives

5.1.12. Chapter 14 - Flood Risk Management

5.1.13. The following is also of relevance:

- Appendix 1 – Development Design Standards – Section 3.1.6 Infill/Backland Development in Existing Housing Areas.

5.2. **Arklow and Environs Local Area Plan (LAP) 2018 - 2024**

5.2.1. I note that the Arklow and Environs LAP 2018 - 2024 has expired, however the Council have commenced the review of the existing LAP and are at the pre-draft stage.

5.2.2. Under the LAP the site was zoned 'RE' – "Existing Residential", under the Arklow and Environs Local Area Plan, 2018 – 2024, with an objective "*To protect, provide and improve residential amenities of existing residential areas*".

With a description – "*To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted*".

5.2.3. Chapter 3 - Residential Development

- Residential Zonings

5.2.4. Chapter 4

Residential Development Objectives

- H1 - All new housing developments shall be required to accord with the housing objectives and standards set out in the Wicklow County Development Plan.
- H3 - In order to make best use of land resources and services, unless there are cogent reasons to the contrary, new residential development shall be expected to aim for the highest density indicated for the lands. The Council reserves the right to refuse permission for any development that is not consistent with this principle.
- H6 - To encourage in-fill housing developments, the use of under-utilised and vacant sites and vacant upper floors for accommodation purposes and facilitate higher residential densities at appropriate locations, subject to a high standard of design, layout and finish.

5.2.5. Chapter 5 - Key Areas

- Residential Development.

5.3. **National Planning Framework (NPF)**

- 5.3.1. The NPF provides an overarching policy and planning framework for the social, economic and culture development of the country. An important element of the growth strategy, intrinsic to the NPF, is securing compact and sustainable growth as it offers the best prospects for unlocking regional potential. The preferred approach for compact development is one which focuses on reusing previously developed 'brownfield' lands and development of infill sites and buildings. To this end the NPF requires at least 30% delivery of all new homes in settlements (outside of the 5 cities) to be within the existing built-up footprint (NPO 3(c)).

5.4. Regional Spatial and Economic Strategy (RSES) - Eastern and Midland Regional Assembly (EMRA)

- 5.4.1. The RSES sets out the strategic framework for the economic and spatial development of the Eastern and Midland Region up to 2031. The primary objective of the RSES is to support more sustainable settlement patterns that focus on compact growth, makes the most efficient use of land and infrastructure, and takes an integrated approach to development that provides employment opportunities and improvements to services alongside population and residential growth.

5.5. Section 28 Ministerial Guidelines

- 5.5.1. Having considered the nature of the proposal and the documentation on file, I consider the directly relevant S28 Ministerial Guidelines are:

- Sustainable Residential Development and Compact Guidelines, (2024);
- Development Management Guidelines, (2013).

Other Relevant Guidance:

- Design Manual for Urban Roads and Streets (2013).

5.6. Natural Heritage Designations

- 5.6.1. The subject site is not located within or in close proximity to a designated European Site.

- 5.6.2. The closest such sites are:

- Killpatrick Sandhills SAC (site code: 001742) - 6km to the south east of the site.
- Buckroney-Brittas Dunes and Fen SAC (site code: 000729) - 6km to the north east of the site.
- Slaney River Valley SAC (site code: 0781) - 12.7km to the south west of the site.

5.7. EIA Screening

5.7.1. I refer the Board to the completed Form 1 and Form 2 in Appendix 1.

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A third-party appeal has been received from Morgan Doyle. The grounds of appeal are summarised below:

- Design - The poor-quality design proposed for these houses is out character with the adjoining properties and would have a detrimental impact on the visual amenity of the area.
- The subject site, at only 0.145Ha / 0.35acres is more suitable for a single-family home / dwelling which would be in keeping with the existing neighbouring dwellings on the left and right of the site.
- Overshadowing - The proposed two-storey dwellings which are proposed to be 7.7m high and near the boundary of the neighbouring properties would lead to excessive overshadowing.
- No BRE Daylight / Sunlight analysis has been provided in this regard to allow the planning department to assess the impact of the proposal.
- It is proposed to raise the level of the front of the site by 2 meters - this raises several concerns and insufficient information has been submitted in this regard. Concerns in this regard include:
 - No consideration for the impact on the adjoining properties.
 - Proposed Section A-A demonstrates that the front of the site needs to be raised by 2m to make the proposed development feasible, however,

Section B-B which crosses through the adjoining properties completely ignores the need to raise the site levels.

- How can an infill site that sits between two established properties be raised by 2metres?
- What happens at the boundary between the site and adjoining properties, will a retaining wall be required.

6.2. Applicant Response

6.2.1. A first party response to the appeal was received dated 25th September 2024, prepared by the agent on behalf of the applicant. The response also included drawing no. ABP 001 (existing site plan), drawing no. ABP 002 (proposed site plan), drawing no. ABP 003 (Site Section A-A and Site Section D-D), and drawing no. ABP 004 (Site Section B-B and Site Section C-C), for clarity.

The submission responds to the issues raised within the third party appeals as follows:

- The house design is contemporary and will enhance the overall appearance of the streetscape.
- Three houses are appropriate density for zoned serviced land.
- The site slopes from west to east, and the contours dip to a low point of 2 metres below the public footpath to the front of the site as seen by Section A-A.
- The appellants are concerned that the infill required will impact the property and require a retaining wall. Section B-B demonstrates that demonstrates that the low point of the site is naturally enclosed by the existing bank contour adjoining the appellant's site to the north which can be filled. This would not require any retaining wall structure.
- In relation to the site to the north know as Fairy Lane, Section B-B demonstrates that there is a 0.5 metre height difference in the front corner of the site. To achieve infill to finished floor level, this will require a below ground

retaining wall from point X-Y as shown on Drawing ABP. 002, Drawing ABP 004. and Section C-C. This will have no impact on Fairy Lane.

- A new 225mm drainage pipe will be installed and will connect to the existing drainage pipe adjoining the appellants site to resolve any ponding (in line with Condition 4B).
- To address the concerns raised by Fairy Lawn regarding flooding, the site flooded because of a burst underground Uisce Eireann pipe, which has now been resolved by Uisce Eireann.
- Due to the orientation of the houses and given that the appellants house is due south of the site, there will be no impact in respect of overshadowing and loss of light.
- Noting the planner's assessment, the impact of overshadowing or loss of sunlight to Fairy House is negligible.
- In this regard the requirement of a shadow or light assessment are not necessary.

6.3. Planning Authority Response

None received.

6.4. Observations

None received.

6.5. Further Responses

- 6.5.1. The Board sought in accordance with Section 131 of the Planning and Development Act, 2000, as amended, the opinion of An Taisce, The Heritage Council and the Development Applications Unit, in respect to the impact of the proposed development on the Killpatrick Sandhills SAC (site code: 001742), the Buckroney-Brittis Dunes and Fen SAC (site code: 000729), and the Slaney River Valley SAC (site code: 0781).

- 6.5.2. No response was received from any prescribed bodies within the required timeframe. Notwithstanding the lack of responses in this regard, Appropriate Assessment will be considered under Section 7.6 below.

7.0 Assessment

- 7.1. Having inspected the site and considered the contents of the appeal, I consider the main issues which arise in relation to this appeal are as follows:

- I. Principle of Development
- II. Design
- III. Impact on Adjoining Amenities
- IV. Appropriate Assessment, and
- V. Other Matters.

7.2. Principle of Development

- 7.2.1. The site is zoned 'RE' – "Existing Residential", under the Arklow and Environs Local Area Plan, 2018 – 2024, with an objective *"To protect, provide and improve residential amenities of existing residential areas"*.

The Plan further states that under this zoning objective it is the Council's intention to *"To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted"*.

- 7.2.2. I also highlight Development Plan guidance in relation to the development of Arklow within the Core Strategy and Settlement Strategy and the provisions of national guidance in relation to achieving compact growth targets and active land management to ensure land within existing settlements are utilised to their full potential.

- 7.2.3. Concerns have been raised in the third party appeal that the subject site is more suited to a single family dwelling. The proposed development would result in a density on the site of 21 units per hectare, on this infill site. Following site inspection, I note that the pattern of development in the area comprises of a mix of large, detached dwellings on large land holdings, along Wexford Road and a residential development to the rear of the site comprising a mix of detached, semi-detached and terraced dwellings.
- 7.2.4. Noting the zoning objective, the infill nature and size of the site, I am satisfied that the site could accommodate a proposal consisting of 3 no. dwellings, which would result in a good use of this infill site and as such, I consider the principle of the proposed development to be acceptable.

7.3. Design

- 7.3.1. The appeal expresses concerns in relation to the design of the proposed dwellings, which is considered poor quality, out of keeping and would be detrimental to the visual amenity of the area.
- 7.3.2. I reference CPO 6.21 of the Development Plan, which states *“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”*.

I also reference S. 3.3.5 of Appendix 1 – Development and Design Standards of the Development Plan, which states that *“While high quality, contemporary design is encouraged, particular regard shall be taken in rural towns to the traditional building form and design in that settlement, with particular regard to height, roof style, materials and detailing. A good variety in design even in small developments will be required, including a range of sizes to meet the different needs of all in society”*.

- 7.3.3. The proposed dwellings are contemporary in their form and design. I acknowledge that the proposed dwellings, differ in form and design to that of the directly adjoining

dwellings, however, there is a mix of house types within the immediate area. I am satisfied overall that the development has a high quality of design, and I consider that the proposed architectural treatments, landscaping and public realm will enhance the overall appearance of the area when compared to the existing underutilised and overgrown lands at the site and would accord with the aforementioned policy.

- 7.3.4. I note that the submitted planning application details, do not adequately detailed the proposed materials and finishes to the proposed dwellings, however, the proposed elevation drawings and proposed photomontage indicate that the dwellings will comprise a dark brick finish. I reference Condition No. 6 of the local authority grant of permission, which requests details of all external finishes to be submitted and agreed. I recommend that a similar condition is included and that final dwelling design details are agreed by condition prior to the commencement of development to the satisfaction of the planning authority.

Conclusion:

- 7.3.5. Therefore, I am satisfied that the proposed development can be successfully integrated into the streetscape at this location and will not have a negative impact on the adjoining visual amenities by reason of design.

7.4. Impact on Adjoining Amenities

- 7.4.1. The grounds of appeal express concerns regarding the impact on the amenities of the adjoining dwelling, in respect overshadowing and the impact of change in site level to the front of the site.

Overshadowing:

- 7.4.2. I note that the proposed dwellings will be visible from the adjoining sites. However, having carried out a site visit, reviewed the planning application drawings and documentation and noting the scale, height, and location of the proposed dwellings, in the context of the adjoining dwellings and the separation distances of the proposed dwellings and the nearest adjoining residential units, I do not consider that the proposed development would contribute to significant overshadowing of the adjoining properties to the northeast and south-southwest of the site. Accordingly I do not consider that a BRE Daylight / Sunlight analysis is warranted.

- 7.4.3. In terms of loss of light, nothing the aforementioned separation distances, I do not consider that the proposed development would result in a significant loss of light to the adjoining sites to the north and south, respectively.

Site Levels:

- 7.4.4. Concerns have been raised in the appeal regarding the increase in site levels by 2 metres and the potential impact that this may have on the directly adjoining properties. The applicant has responded to the concerns raised (dated 25th September 2024) and included drawing no. ABP 001 (existing site plan), drawing no. ABP 002 (proposed site plan), drawing no. ABP 003 (Site Section A-A and Site Section D-D), and drawing no. ABP 004 (Site Section B-B and Site Section C-C). However, the drawings submitted with the appeal response do not alter the proposal, they are provided for clarity purposes.
- 7.4.5. Notwithstanding the planning application drawings, (Drawing No. P006 – Rel. R), indicates that the site is to be filled to raise the site level, to ensure that the finished floor level of the proposed dwellings aligns with both the adjoining road/footpath level and the finished floor levels of the directly adjoining dwellings. The proposed dwelling No. 1 is set back from the shared site boundary with the appellants site by some 1.89 metres, with a single storey shed constructed along the shared site boundary. A separation distance of 1.84 metres is proposed to the site boundary to the north-northeast.
- 7.4.6. Section B-B drawing no: P006 Rel. R indicates the front elevation of the site with the proposed finished floor levels and roof levels of the proposed dwellings relative to the existing dwellings on the adjoining sites.
- 7.4.7. With respect to the boundary treatments, the proposed site plan (drawing no: P004 Rel. R) indicates that the existing mature boundary hedge to the shared site boundary with the appellant will be retained. A new 1.8 metre boundary wall is proposed to the north-northeastern site boundary. To the rear the existing concrete boundary wall will be retained.
- 7.4.8. The applicant has clarified that a retaining wall is not required between the appeal site and the appellants site (to the south) to raise the site levels, this can be achieved by infill as per the submitted plans.

However, to the north a below ground retaining wall will be required given the proposed site levels relative to that of the adjoining site. The proposed infill and retaining wall proposed would be considered standard for many residential developments and are considered reasonable in this instance. The proposal to infill the site will allow for the proposed site access and proposed finished floor levels to be in line with that of the adjoining dwellings. Accordingly, I am satisfied that the proposal to increase the site level would not detract from the residential amenity of the adjoining dwellings and would be acceptable.

- 7.4.9. I reference Condition No. 6 of the local authority grant of permission which requests details of all proposed boundary treatments to be submitted and agreed. I recommend that a similar condition is included and that final details of boundary treatments are agreed by condition to the satisfaction of the planning authority.

Conclusion:

- 7.4.10. Therefore, I am satisfied that the proposed development will not detract from or impact negatively upon adjoining residential or visual amenity.

7.5. Appropriate Assessment

- 7.5.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended.
- 7.5.2. The subject site is not located within or adjacent to any European Site. The closest European Sites, part of the Natura 2000 Network, are:
- Killpatrick Sandhills SAC (site code: 001742) which is 6km from the proposed development.
 - Buckroney-Brittas Dunes and Fen SAC (site code: 000729), which 6km from the proposed development.
 - Slaney River Valley SAC (site code: 0781), which is 12.7km from the proposed development.
- 7.5.3. The proposed development is located within a residential area and comprises the construction of 3 no. detached dwellings, vehicular entrance and associated site works on an infill site.

7.5.4. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site.

7.5.5. The reason for this conclusion is as follows:

- Small scale and nature of the development
- The location of the development in a serviced urban area, distance from European Sites and urban nature of intervening habitats, absence of ecological pathways to any European Site.

7.5.6. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is, therefore, not required.

7.6. Other Matters

7.6.1. Form, Layout and Amenity

While not specifically raised within the appeal, I note that the proposed residential dwellings achieve a good standard of living accommodation, are of acceptable floor areas, with storage and dedicated private amenity space and parking provided to each unit which meets the required standards. As such, I am satisfied that the proposed residential units will provide a good standard of residential amenity for future intended occupiers.

7.6.2. Conditions:

As noted in Section 3.1.1 of the foregoing, the local authority recommended a grant of permission subject to 9 no. conditions.

I reference Condition 5 of the local authority grant of permission, which requires specific requirements in relation to the gradient of the proposed access driveway and its junction with the public road. I recommend that a similar condition is included and that final details are agreed by condition to the satisfaction of the planning authority. Notwithstanding the above assessment, the remaining conditions are standard and given the nature and scale of the proposed development, I concur with the local authority and recommend the inclusion of standard conditions in this instance.

8.0 Recommendation

- 8.1. I recommend that planning permission should be granted, subject to conditions, as set out below, for the following reasons and considerations.

9.0 Reasons and Considerations

- 9.1. Having regard to the 'RE' 'existing residential' zoning which applies to the site under the Arklow and Environs Local Area Plan, under which residential development is stated to be generally acceptable in principle, subject to the conditions set out below the proposed development would be an appropriate form of development on this existing infill site, would align with the policies and objectives of the Wicklow County Development Plan and National Planning Guidance, would not seriously injure the visual amenities of the area, by reasons of design, height and form, would not seriously injure the amenities of the adjoining residential property in the vicinity by reason of site works, overshadowing or overbearing, and would be acceptable in terms of traffic and pedestrian safety. The proposed 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 to the local authority on the 25th day of June 2024, 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>(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual</p>

	<p>purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
3.	<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>In this regard, the roof colour shall be blue-black, black, and the external walls shall comprise smooth render finish in white/off-white colour or brick finish.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
4.	<p>Prior to commencement of development, details of the proposed boundary treatments to all shared site boundaries shall be submitted to, and agreed in writing with the planning authority and shall comply with the requirements of the planning authority for such works.</p> <p>Reason: In the interest of visual and residential amenity.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0700 and 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
6.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
7.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
8.	<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 and surface water management.</p>
9.	<p>(a) The shared vehicular entrance shall be installed in such a manner so that the existing profile of the grass verge is maintained, and that surface water can continue to flow freely off the public road.</p> <p>(b) The gradient of the access driveway shall not exceed 1 in 40 for a minimum distance of 6 metres from its junction with the public road.</p> <p>(c) The roadside kerb shall be dished and strengthened to the satisfaction of the Municipal Drainage Engineer (MDE).</p> <p>(d) No gates shall be fitted at the shared vehicular entrance.</p> <p>Reason: In the interest of traffic safety and the avoid queuing on the main road.</p>
10.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p>

	Reason: In the interest of visual amenity.
11.	<p>The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.</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.

Emma Nevin
Planning Inspector

29th November 2024

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

An Bord Pleanála Case Reference	320674-24		
Proposed Development Summary	Construction of 3 no dwellings and all associated site works		
Development Address	Knockenrahan Upper, Wexford Road, Arklow, Co. Wicklow		
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	X
		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) or does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q3
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	X	Class 10 Infrastructure (b) Projects (i)	Urban Development – 3 residential dwellings	Proceed to Q4

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

Appendix 1 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	320674-24	
Proposed Development Summary	Construction of 3 no. dwellings and all associated site works.	
Development Address	Knockenrahan Upper, Wexford Road, Arklow, Co. Wicklow	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>Proposal for the construction of 3 dwellings and all associated site works on residential zoned land located in an urban area. However, the proposal is not considered exceptional in the context of the existing urban environment.</p> <p>No, the proposal will be connected to existing services.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context</p>	<p>The proposed floor area is stated at 437.4 sq. m. (total for 3 no. dwellings) The proposal is not considered exceptional in the context of the existing urban environment.</p>	No

<p>of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>There is a residential development under construction to the rear of the site and is near completion. However, it is not considered that the proposal would result in a significant effect on the environment when taken in conjunction with other developments under construction in the vicinity.</p>	
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The appeal site is not located within any designated European Site however the site is an approximate distance from the following Natura 2000 Sites:</p> <ul style="list-style-type: none"> • Buckroney-Brittis Dunes and Fen SAC, located approximately 4.9km to the north. • Kilpatrick Sandhills SAC is situated approximately 6.5km to the south. <p>Therefore, it is not considered that the development would have a significant impact on the ecological site.</p> <p>The other nearest European sites are located above 13km from the site and therefore can be excluded in terms of the potential for effects on other European sites during construction and operational phases of the proposed development.</p>	<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: 29/11/2024

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)