



An  
Bord  
Pleanála

## Inspector's Report

**ABP 321525-24**

<b>Development</b>	Self contained two bedroomed chalet and related works constructed at rear
<b>Location</b>	9 Church Road, Newtownmountkennedy, Co. Wicklow
<b>Planning Authority</b>	Wicklow Co. Council
<b>Planning Authority Reg. Ref.</b>	2460609
<b>Applicant(s)</b>	Kathleen Meuer
<b>Type of Application</b>	Retention
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Kathleen Meuer
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6/3/25
<b>Inspector</b>	Rosemarie McLaughlin

## **1.0 Site Location and Description**

- 1.1. No. 9 Church Road, Newtownmountkennedy, consists of a two storey, semi-detached house with a single storey side extension and a single storey chalet at the rear. The site (0.092 ha) is located in a residential area on the northern side of the town and slopes down to the east. The east side of Church Road, where the appeal site is situated consists mainly of modest sized, semi detached houses, on long plots which slope down to a wooded area which bounds the River Altidore. Some of the plots have been developed to the rear with second dwellings and other structures. Vehicular access to both properties is shared.

## **2.0 Proposed Development**

- 2.1. This is an application for RETENTION of a self contained two bedroomed chalet (62.4 sqm) and related works constructed at rear No. 9 Church Road, Newtownmountkennedy.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The PA refused permission for one reason as follows.
1. Having regard to:
    - The location the chalet for retention on backlands to the rear of the existing dwelling on site;
    - The inadequate private open space available to both the dwelling units;
    - The lack of clarity as to how the site is to be subdivided; and
    - The overall scale of the dwelling;
    - The inadequate parking and car turning areas to the rear of the site;
    - Inadequate details in respect to sightlines at the entrance off the public road particularly given increase in pillars at that point.

The development would result in disorderly backland development, resulting in inadequate private amenity space for both dwellings, would set an undesirable precedent for further development haphazard development which would negatively impact upon the character of the area, and would result in a pedestrian and traffic hazard. The development would therefore be contrary to the zoning objective for the area as set out in the County Development Plan 2022-2028 which seeks 'To protect, provide and improve residential amenities of existing residential areas', and the guidelines and objectives of the County Development Plan, in particular Objectives CPO 6.13, CPO 6.21, and CPO 6.22, and would be contrary to the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

- 3.2.1. **Planning Report (22/11/24):** This assessment considered one of the bedrooms inadequately sized at 6.25 sqm. The report noted no gutters on the chalet. The Planner considered it was unclear from the drawings how the site was to be subdivided into 2 separate plots. Having regard to the size of the site it was considered that the infill development would represent overdevelopment of the site which would be out of character with the area. The development was considered to reduce the level of amenity currently available to the existing dwelling on site, particularly as a result of the loss in private open space. The report also considered there was not enough space to the rear of the site to accommodate vehicular turning areas and 4 No. off-street, parking spaces to serve the 2 no. dwellings. Permission was removed to be refused for the reason outlined above.

#### **3.2.2. Other Technical Reports**

- None on file.

### **3.3. Prescribed Bodies**

- None on file.

### **3.4. Third Party Observations**

- None on file.

## 4.0 Planning History

There is no relevant planning history on the subject site.

In the vicinity (and also raised in the appeal) are the following developments which were granted permission by the PA.

- **05/409** Dwelling at rear of No. 13 Church Road.
- **10/2024** Dwelling at rear of No. 13 Church Road.
- **19/597** Dwelling at rear of No. 12 Church Road.
- **20/342** Dwelling at rear of No. 7 Church Road.

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1. The Wicklow County Development Plan 2022-2028 (CDP) applies.

Newtownmountkenedy is a designated Level 4 Self Sustaining Town settlement.

The CDP promotes infill development and increased densities in appropriate locations consistent with the higher level policies of the National Planning Framework (NPF) and Regional strategy. The following are relevant policies.

**CPO 4.1** To implement the County Wicklow Core Strategy, ..... and in particular, to direct growth into ....self-sustaining towns and small towns.

**CPO 4.2** To secure compact growth through the delivery of at least 30% of all new homes within the built-up footprint of existing settlements by prioritising development on infill, ....in preference to greenfield sites.

**CPO 4.3** Increase the density in existing settlements through a range of measures including....., infill development schemes, .....

**CPO 6.21** In areas zoned 'Existing Residential'.....appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity will normally be permitted...

**CPO 6.22** In existing residential areas, small scale infill development shall generally be at a density that respects the established character of the area in which it is located, subject to the protection of the residential amenity of adjoining properties...

**CPO 6.24** To facilitate family / granny flat extensions for use by a member of the immediate family subject to protection of existing residential amenity and compliance with the criteria set out in the Development and Design Standards (Appendix 1).

Appendix 1 sets out Development & Design standards.

**Section 3.1.6:** Infill / backland development in existing housing areas.

**Section 3.1.9:** Independent living units ('Granny-flats'). In summary, the construction or conversion of part of an existing dwelling into a 'family flat' will only be permitted where the development complies with the several requirements, including a justification for the unit, and in exceptional circumstances, the conversion of an existing detached garage / store etc may be considered subject to the structure being in very close proximity to the main house. In addition, the unit shall not be sold or let as an independent living unit and the existing garden shall not be sub-divided.

**Section 2.1.9:** Entrances & sight lines

**Section 2.2.4:** Surface & storm water systems

**Section 8.6:** Private open spaces

**Section 3.1.5:** Car parking: 2 off-street car parking spaces shall normally be required for all dwellings over 2 bedrooms in size.

## 5.2. Local Area Plan

The Newtownmountkennedy Town Plan 2022 – 2028 (Town Plan) came into effect on 23 October 2022. The site is zoned RE, Existing Residential with the objective to protect, provide and improve residential amenities of existing residential areas.

## 5.3. Section 28 relevant guidelines.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (SRDCSG) 2004.
- Quality Housing for Sustainable Communities 2007.

## 5.4. Natural Heritage Designations

- 5.4.1. The subject site is not located in or adjacent to any European sites. The closest sites are Carriggower Bog SAC (site code: 000716) c. 3.1 km to the north-west and Glen of the Downs SAC (site code: 000719) c. 3.6 km to the north.

## **5.5. EIA Screening**

Having regard to the nature, size and scale of the proposed development, to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended) and 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. See Forms 1 and 2 appended to this report.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- The chalet was constructed around 2008 so the applicant could look after her mother in No.9 Church Road, a former Council cottage. The applicant moved into the house after her mother passed away and a person with the same family name moved into the chalet.
- The application does not propose to subdivide the property.
- The application is for retention, not a new build.
- The site has accommodated two vehicles since the construction of the chalet.
- The sightlines, gates and pillars are similar to developments permitted at No.3 and No. 7 Church Road. Conditions could be imposed to address this reason for refusal.
- Several permissions have been granted for similar development including recent decisions creating a precedent.
- The chalet has been in place for over 10 years.

### **6.2. Planning Authority Response**

- None on file.

### **6.3. Observations**

- None on file.

## **7.0 Assessment**

7.1. Having regard to the application details and appeal documentation on file, the relevant local, regional and national planning policies and having inspected the site, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of development
- Design and Layout / Residential Amenity
- Traffic Safety
- Other

### **7.2. Principle of development**

7.2.1. The subject site is located within the settlement boundary of Newtownmountkenedy as outlined in the Town Plan and is zoned RE 'Existing Residential' where appropriate infill residential development is acceptable in accordance with principles of good design and protection of existing residential amenity. Furthermore, the CDP and higher level policies promote and encourage residential infill development in serviced areas. Having regard to the zoning of the site and the nature of the development, I consider that the proposed development is acceptable in principle subject to compliance with relevant planning policies in the CDP, Town Plan, section 28 guidelines and protection of residential amenities.

### **7.3. Design and Layout / Residential amenity**

7.3.1. The chalet to be retained is c. 9.42 m behind No.9 Church Road, in the rear open space associated with the house on a sloping section of the site where the level difference on the chalet site is c 1.25m. The front elevation of the chalet (west) faces the rear elevation of No.9 (east). There is only one door to the chalet, located on the front elevation. The chalet has a shallow-pitched, corrugated metal roof with an overhang and a render finish. The surface between the chalet and house is tarmacadamed and this extends along the side of No.9 as far as the road. An amenity area associated with the chalet is evident at the front elevation (west). The area between the dwellings also appear to serve as a parking/turning area. The floor area to be retained is stated as 62.4 sqm and the submitted drawings illustrate 2 bedrooms, a living room and kitchen. The rooms are not dimensioned, and the smaller bedroom is c. 6.25 sqm. The appeal details include that a person with the

same family name and a partner lives in the chalet, but no case has been made that this is independent family living unit per the policies in the CDP. On inspection, I noted that the site is for sale.

- 7.3.2. In response to the reason for refusal, the appellant makes the case that the application is for retention of a chalet built around 2008 and this is not an application for a new development. In this regard, I consider the separation distance between the chalet and No. 9 Church Road as wholly inadequate and the layout of the buildings in the context of each other as a poor design. The private open space associated with No.9 is shared with the front west facing open space associated with the chalet. In my opinion, the site is potentially capable of a second dwelling, and this would be consistent with the planning policies on infill development in serviced areas but the development to be retained is substandard layout as a second dwelling on the site and too close to the original building.
- 7.3.3. SPPR 1 - Separation Distances in the SRDCSG 2024, provides that there shall be no specified minimum separation distance at ground level or to the front of houses, and applications shall be determined on a case-by-case basis to prevent undue loss of privacy. SPPR 1 also provides that in all cases, the obligation is on the applicant to demonstrate to the satisfaction of the PA that residents will enjoy a high standard of amenity and that the proposed development will not have a significant negative impact on the amenity of occupiers of existing residential properties. No alterations to the existing situation are proposed which is a shared tarred area which also appears to serve as a parking/turning area. I do not consider that the application and appeal have met the standard that residents of the house and chalet will enjoy a high standard of residential amenity. I consider that the proximity of the chalet to No.9 Church Road is a haphazard backland development, negatively impacting on the residential amenity of the main house.
- 7.3.4. SPPR 2 in the SRDCSG 2024 provides minimum private open space standards for houses and supersedes the CDP. There is a long area to the rear of the chalet but no access door to the rear from the side or rear of the structure. The rear open space is not directly accessible from the chalet and is not accessible from the living space. The rear open space of No.9 is wholly taken up with the tarmacadam area which also has a shed, is the amenity area of the chalet and appears to be used for parking/turning. The number of bedrooms in No.9 has not been provided. The quantum of open space required in the SRDCSG 2024 is 20 sqm for a 1 bed house,



30 sqm for a 2 bed house and 40 sqm for a 3 bed house. Relaxation of the standards is permitted in certain circumstances. In all cases, the obligation will be on the applicant to demonstrate to the satisfaction of the PA that residents will enjoy a high standard of amenity. There is a semi private front garden to No.9 Church Road at a lower level than the carriageway but the rear private open space has been severely compromised by the location of the chalet and does not represent a high standard of amenity.

- 7.3.5. While this chalet has been in situ for a period of time, I consider the layout and design of the site as sub-standard on the site in terms of residential amenity for the occupants of both properties on the appeal site.
- 7.3.6. The Quality Housing for Sustainable Communities 2007 Guidelines require a total gross floor area of 60 sqm for a 2 bedroom, 3 person, single storey house and an area of a single bedroom should be at least 7.1 sqm and a double bedroom at least 11.4 sqm. The dimensions of the rooms are not provided but the smaller bedroom is below the standard. The chalet is marginally larger than the minimum size at 62 sqm. If this were the only issue in the appeal, it could be dealt with by way of condition amalgamating the bedrooms. This was not included in the reason for refusal.

#### **7.4. Traffic Safety**

- 7.4.1. The CDP provides that 2 off-street car parking spaces shall normally be required for all dwelling units. SPPR 3 in the SRDCSG 2024 provides that in peripheral areas such as the appeal site, the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling. Given the location of the site in Newtownmountkenedy and that 2 or more bedrooms are available in each unit, I consider it reasonable to consider that two cars may be associated with each dwelling.
- 7.5. Pillars at the entrance bound solid double gates and a sloping vehicular access leads to the area between the rear of No.9 and the front of the chalet. No dimensions of the pillars are provided, and no sightlines or parking areas are illustrated on the drawings. The applicant has not included any alterations to the layout to provide adequate sightlines and I concur with the PA that this would result in a pedestrian and traffic hazard. The appeal considers this could be dealt with by way of condition. The appeal is assessed de novo on the basis of the application details and appeal

submissions. The absence of detail of sightlines, parking and turning area are not satisfactory and I consider that permission should be refused for a reason including traffic safety.

## **7.6. Other**

- 7.6.1. The applicant raises the issue of precedent dwellings permitted in the rear gardens on Church Road. I do not consider the recent permissions as comparable to the situation sought to be retained as they were for new developments with a satisfactory set back, layout and open space provision.
- 7.6.2. The response to the appeal states there is no proposal to subdivide the properties. I consider the current arrangement of two dwellings on the site as unsatisfactory for the reasons outlined in the previous sections and contrary to the proper planning and development of the area. The application for retention is described as a “chalet” and I consider the structure to be a dwelling and this is supported by the details in the appeal. The applicant has provided details that the chalet was previously occupied by the applicant, who then moved to the main house while others have been occupying the chalet. Mention is made in the appeal of including a wet room and conservatory, but this is unclear and there seems to be an error in section 3.3 of the appeal and I take it the chalet has been extended over time.
- 7.6.3. The surface of the area between No.9 and the chalet is tarred as this extends as far as the road and as noted in the planners report, no gutters are evident on the chalet. The appeal does not address this point raised in the planning report. The application form indicates a soak pit, but this is not shown in the drawings, and no drainage drawings are provided. In this regard, I also consider the details of the surface water arrangement for the chalet as not satisfactory but could be dealt with by way of condition if the layout, design, access and parking had been acceptable.

## **8.0 AA Screening**

- 8.1. I have considered the proposed retention of a chalet to the rear of a house and associated site works in light of the requirements S177U of the Planning and Development Act 2000 as amended.
- 8.2. The subject site is located c. c. 3.1 km Carriggower Bog SAC (site code: 000716) and c. 3.6 km to the Glen of the Downs SAC (site code: 000719). The proposed

development comprises retention of a chalet and associated works to the rear of an existing house. No nature conservation concerns were raised in the planning appeal.

8.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- Small scale and nature of the development.
- Distance from the nearest European site and lack of connections.

8.4. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

8.5. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **9.0 Recommendation**

9.1. I recommend that permission be refused.

## **10.0 Reasons and Considerations**

1. It is considered that the proposed retention of a residential chalet, because of its location, layout, inadequate separation distance from the rear of No. 9 Church Road, and parking and turning arrangements, seriously injures the residential amenity of the property resulting in inadequate private open space, loss of privacy and inappropriate parking and turning movements. It is considered that the development to be retained constitutes inappropriate backland and haphazard development and accordingly would be contrary to the proper planning and sustainable development of the area.
2. Details have not been provided of sightlines, parking and turning arrangements for the two dwellings on the site. The Board is not satisfied on the basis of the submissions in the application and appeal that adequate sightlines in both directions are available for vehicles egressing the site and it is considered that to permit this development would endanger public safety by reason of serious traffic hazard 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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Rosemarie McLaughlin  
Planning Inspector

11<sup>th</sup> March 2025

# Appendix 1 - Form 1

## EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	321525-24		
<b>Proposed Development Summary</b>	Retention of self contained two bedroomed chalet and related works constructed at rear		
<b>Development Address</b>	9 Church Road, Newtownmountkennedy, County Wicklow.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b> <input checked="" type="checkbox"/>	Tick if relevant and proceed to Q2.
		<b>No</b>	Tick if relevant. No further action required
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
Yes	<input checked="" type="checkbox"/>	<b>Part 2, Class 10(b)(i): Construction of more than 500 dwelling units.</b>	Proceed to Q3.
No	<input type="checkbox"/>		Tick if relevant. No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
Yes	<input type="checkbox"/>		EIA Mandatory EIAR required
No	<input checked="" type="checkbox"/>		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
Yes	<input checked="" type="checkbox"/>	<b>Part 2, Class 10(b)(i): Construction of more than 500 dwelling units.</b>	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
No	<input checked="" type="checkbox"/>	Screening determination remains as above (Q1 to Q4)	
Yes	<input type="checkbox"/>	Screening Determination required	

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

Rosemarie McLaughlin

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	321525-24	
<b>Proposed Development Summary</b>	Retention of self contained two bedroomed chalet and related works constructed at rear	
<b>Development Address</b>	9 Church Road, Newtownmountkennedy, County Wicklow.	
<p><b>The Board carried 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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development.</b> 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>The subject development comprises one dwelling in a residential area, characterised by residential development. Accordingly, the proposed development would not be exceptional in the context of the existing environment.</p> <p>I do not consider that the level of waste generated would be significant in the local, regional or national context.</p>	<p>NO</p> <p>NO</p>
<p><b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The dwelling to be retained is c. 62.4 sqm. There is a range of sizes of houses in the vicinity. The proposal is not considered exceptional in the context of neighbouring houses.</p> <p>I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.</p>	NO
<b>Location of the Development</b>	The application site is not located in or immediately adjacent to any	NO

<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, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>European site. The closest Natura 2000 sites are Carriggower Bog SAC (site code: 000716) c. 3.1 km to the north-west and Glen of the Downs SAC (site code: 000719) c. 3.6 km to the north.</p> <p>There are no waterbodies or ecological sensitive sites in the vicinity of the site, the nearest waterbody being c 100m.</p> <p>I do not consider that there is potential for the proposed development to significantly affect other significant environmental sensitivities in the area.</p>	NO
<b>Conclusion</b>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

**Inspector:**

Rosemarie McLaughlin

**Date:**

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)