



An
Bord
Pleanála

Inspector's Report

ABP-306331-20

Development	Revision of site layout and garage plan from that granted under PD/18/190
Location	Ardsallagh More Townland Roscommon Town, Co Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	19541
Applicant(s)	Geraldine Dolan.
Type of Application	Permission.
Planning Authority Decision	Grant of Planning Permission
Type of Appeal	Third Party -v- Refusal
Appellant(s)	Declan and Gillian Hoare.
Observer(s)	None
Date of Site Inspection	14 th March 2020.
Inspector	Paul Caprani

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1.0 Site Location and Description

- 1.1. The site is located in the townland of Ardsallagh More on the eastern outskirts of Roscommon Town, approximately 1.5 km from the town centre. The site is located to off a local road the north of the N61, directly opposite Roscommon County Hospital. It is surrounded by residential dwellings. A small access road which ends in a cul de sac runs along the northern boundary of the site. The site is under grass and is one of two undeveloped sites, side by side, surrounded by residential dwellings. The site is bounded by a dwelling to the south east and a vacant site to the north west.
- 1.2. Planning permission was granted under reg. ref. PD/07/1970 for a dwelling and separate garage on the subject site. A subsequent application under PD/18/190 was granted for a revised dwelling and garage on the subject site. The latter grant of permission was granted 27/07/2018.

2.0 Proposed Development

- 2.1. Planning permission is sought under the current application for the revision and modifications of the house and garage already permitted on site. The modifications proposed involve reducing the height of the garage structure from 5.685m to 4.6m. The garage was originally proposed to be located to the north west of the proposed dwelling, adjacent to the vacant site to the north. Under the current application the dwelling is to be relocated to the northwestern boundary and the garage to the south-eastern boundary, adjacent to the existing dwelling along the south eastern boundary. With the exception of the reduction on height the layout of the garage remains the same with a roller shutter on the front elevation and a door on the side elevation. The internal layout of the dwelling house also remains unchanged

3.0 Planning Authority Decision

3.1. Decision

Roscommon County Council issued notification to grant planning permission subject to one condition requiring the development to be carried out in accordance with the plans and particulars lodged with the planning application.

3.2. Third Party Observations

One observation from the current appellant was submitted. The contents of which has been read and noted.

3.3. Prescribed Bodies

None on file.

3.4. Planning Authority Reports

3.4.1. Planning Report

The planners report sets out details of the site and the proposed development and planning policy etc. It notes that the current application seeks to 'flip' or reverse the location on the house and garage on site and this, it is stated, results in no material impacts in terms of design, siting or visual impact. It was therefore recommended that permission be granted.

4.0 Planning History

Details of two history files are attached to the rear of the file. These are briefly outlined below:

Under PD/07/1970 permission was granted to construct a dwelling on site, subject to 10 standard conditions. Permission was granted on 4/01/2008.

Under PD/18/190 planning permission was granted for the construction a dwelling and garage together with connection to public services on the subject site.

Permission was granted subject to 11 conditions on 27/07/2018.

5.0 Policy Context

5.1. Development Plan

The site is governed by the policies and provisions contained in the Roscommon County Development Plan 2014-20. The site is zoned 'existing residential' in the current Roscommon County Development Plan. Policies in relation to residential

development are set out in section 9.6 of the plan. When considering planning applications for residential development, the planning authority will have regard to national guidelines on sustainable residential development and will also carry out qualitative assessment and quantitative assessment in respect of proposed development

5.2. Natural Heritage Designations

5.3. The subject site is not located within or adjacent to Natura 2000 site, a Natural Heritage Area, or a proposed Natural Heritage Area. The nearest Natura 2000 site is Lough Ree, SAC and pNHA which is located approximately 3 kilometers east of the of the subject site. The Ballinturly SAC, at its closest point, is approximately 5.6 km to the south-west of the subject site.

5.4. EIA Screening

Having regard to the nature of the development comprising of a revision in site layout in and urban area, it is not considered that the proposal will have a significant impact on the environment and therefore there is no requirement for an EIAR.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. Decision of Roscommon County Council to issue notification to grant planning permission the proposed development was the subject of a third-party appeal by Declan and Gillian Hoare. The grounds for appeal are summarised below

- The proposal includes the building of a commercial sized garage on an elevated site directly opposite the appellant's bedroom / bathroom window which will impact on the appellants living conditions through overlooking, overshadowing and will result in a building of excessive bulk and scale.
- The garage will result in the same impact as a two story-plus structure and will effectively appear 5 meters high from the side of the appellants boundary. The garage is sited only 600 mm away from the common boundary.

- If the garage were in its original position as per register reference PD/18/190 the impact would be reduced and would therefore be less of a concern.
- Concern is expressed that the garage could be used for commercial business. If so, it would greatly devalue the property and degrade the appellants quality of life being located a mere four feet from the appellants boundary.

6.3. Planning Authority Response

- Roscommon County Council has not submitted a response to the grounds of appeal.

6.4. Applicants Response

- In the first instance it is argued that the appeal in question has no merit and is motivated by a family dispute.
- The finished floor level of the proposed development is the same as the appellant's house and the garage will be only 4.6 metres high from the finished ground level.
- Under PD/18/190 planning permission was granted for a house that would have been 700 millimetres higher than the appellant's house. The proposed development as reconfigured will have a lesser impact in terms of overshadowing.
- The garage in question is not commercial in scale and is only large enough to park a car together with domestic storage space for gardening equipment etc. There is no intention to carry out any commercial activity on site. The garage will be used for domestic purposes only.

6.5. Further submission by Appellant

- This submission reiterates concerns that the proposed garage will be elevated adjacent to the appellant's boundary. The revised application will result in the garage extending four metres beyond the appellant's house and would be in very close proximity to the appellant's bedroom and bathroom. Locating the garage in such close proximity to the neighbouring house will give rise too excessive noise.

- It is not accepted that the garage is domestic in scale and it is argued that it is not in keeping with a residential area.
- These issues are factual planning matters and are not spurious in nature.

7.0 Assessment

7.1.1. I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard the issues raised in the grounds of appeal. I consider the pertinent issues in determining the current application and appeal before the Board can be restricted to the issues raised in the appeal namely:

- Impact on residential amenity through overshadowing and overlooking.
- Potential for commercial use within the proposed garage.

7.1.2. These issues are dealt with under separate headings below:

7.2. Impact on residential Amenity through overlooking and overshadowing.

7.2.1. The current application involves revision in the site layout whereby the garage is to be located adjacent to the common boundary with the dwelling south-east where previously the main dwelling was to be located at this boundary. There are no windows on the south-eastern elevation of the garage therefore no overlooking will occur. The re-location of the garage in this part of the site, replacing the dwelling will reduce rather than increase the potential for overlooking.

7.2.2. In terms of overshadowing, drawings submitted with the response to the grounds of appeal clearly indicate that under the previous application, the dwelling proposed to be constructed is 7.2 m in height and was to be located approximately 3.5 m from the appellants house. Under the current application, it is proposed to locate the garage c.3 m from the appellants dwelling. The garage however is only 4.6 m in height and the height has been reduced by over 1 m from that previously granted under PD/18/190. The proposal currently before the Board is likely to have a significantly lesser impact than that previously granted under PD/18/190 in terms of overshadowing. Having inspected the site I note that there is no appreciable difference in ground levels between the two sites.

7.2.3. Furthermore, the appellants dwelling is located to the south-east of the appeal site and therefore will not significantly be impacted upon in terms of overshadowing.

7.3. Potential for Commercial Use within the Proposed Garage.

7.3.1. The garage is 48 sq m in size and is ancillary to the main dwelling in terms of size and scale. While it is of sufficient size to possibly accommodate a commercial use, the applicant has indicated in the response to the grounds of appeal that the garage will be for domestic purposes only.

7.3.2. If the Board consider it appropriate or necessary, it could include a condition specifically stating that the garage will be used only for domestic purposes and not for commercial activity.

7.3.3. Concerns are also expressed that cars entering and leaving the garage could give rise to excessive noise which could impact on the appellants amenity as the garage is located in close proximity to the appellants bedroom. I do not accept such an argument. The appellants dwelling is located in adjacent to a roadway in a residential area where traffic is likely to pass in close proximity to the appellants house. To suggest that planning permission should be refused on the basis that noise emanating from cars being parked in the curtilage of a domestic private garden/garage in an existing residential area is not tenable.

8.0 Recommendation

8.1. Arising from my assessment above, I consider that the decision of Roscommon County Council be upheld in this instance and that planning permission to be granted for the revised layout based on the reasons and considerations set out below.

9.0 Appropriate Assessment

9.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment, together with the proximity to the nearest European site which is in excess of 3 km away, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Reasons and Considerations

Having regard to the zoning objective pertaining to the site it is considered that subject to conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would not be prejudicial to public health, and would generally be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in accordance with the proper planning on sustainable development of the area.

11.0 Conditions

1. The development shall be carried out in accordance with the plans in 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 the commencement of development under development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the proposed external finishes of the dwelling house and garage shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of visual amenity

3. Water supply and drainage arrangements shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

4. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

Reason: In the interest of orderly development.

5. The garage shall be used for domestic purposes only and shall not use used for commercial enterprise.

Reason: In the interests of protecting residential amenities.

Paul Caprani
Planning Inspector

15th March 2020