



An  
Bord  
Pleanála

## Inspector's Report ABP-306534-20

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<b>Development</b>	Construction of a two-storey house and a garage/shed along with a new vehicular access, landscaping and services
<b>Location</b>	The Walk, Cloonybeirne, Roscommon, County Roscommon
<b>Planning Authority</b>	Roscommon County Council
<b>Planning Authority Reg. Ref.</b>	PD/19/575
<b>Applicant(s)</b>	Alan & Catherine Beirne
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First-Party
<b>Appellant(s)</b>	Alan & Catherine Beirne
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> March 2020
<b>Inspector</b>	Colm McLoughlin

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## **1.0 Site Location and Description**

1.1. The appeal site is situated on the northeastern edge of Roscommon town in County Roscommon, approximately 1.1km from the town centre. It fronts onto The Walk, a local road (L1807), which is characterised by low density housing flanked by agricultural fields. The site is stated to measure 0.29ha and comprises part of an undeveloped agricultural field with mature trees and hedgerows along the rear boundary. The western side boundary is not marked on the ground and the eastern boundary with an adjacent single-storey house is formed by a capped concrete block wall and a post and rail fence to the rear. The front boundary, adjoining the public footpath and a tree-lined grass verge, is marked by a concrete post and rail fence and a recessed agricultural access gateway. Ground levels in the surrounding area and on site drop very gradually in a southwest direction.

## **2.0 Proposed Development**

2.1. The proposed development comprises the following:

- construction of a three-bedroom detached two-storey house with a stated gross floor area (GFA) of 260sq.m and a garage/shed with a stated GFA of 51sq.m;
- provision of a new vehicular entrance/egress from The Walk, connections to local engineering services, landscaping and boundary treatments.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. The planning authority decided to refuse to grant permission for the proposed development for the following reason only:

- Having regard to the provisions of the Roscommon Local Area Plan 2014-2020, it is considered that the proposed development and the precedent it would set is considered to be premature due to the availability of alternative lands zoned as New Residential in the Roscommon Local Area Plan 2014-2020. The proposed development would contravene the Development

Strategy for Roscommon Town and in particular Section 5.2.1 of the Roscommon Local Area Plan 2014-2020, which states that lands zoned as Strategic Residential Reserve shall only be made available for development when all lands zoned New Residential have been developed or have been subject to the grant of planning permission (extant planning permission). Therefore, it is considered that the proposed development would contravene above section of the Roscommon Local Area Plan 2014-2020, and also undermines its effective application in respect of future urban development of lands zoned for New Residential use. Accordingly whilst the principle of residential development of the application site is accepted, the development of these lands on a premature and piecemeal basis, as proposed, would be contrary to and seriously compromise the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Report**

The report of the planning authority (December 2019) noted the following:

- the applicants were advised at a preplanning meeting that the site is zoned as part of the strategic residential reserve for the town;
- lands within the strategic residential reserve are only available for development following the development of all 'New Residential' zoned lands;
- all 'New Residential' zoned lands in the town are not fully developed or subject to extant planning permissions;
- the layout of the proposed development would be consistent with the neighbouring pattern of the development and the design of the development would be acceptable;
- concerns regarding potential for overlooking from east-facing windows could be addressed via conditions.

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

- None requested.

### **3.3. Prescribed Bodies**

- Irish Water – no response.

### **3.4. Third-Party Submissions**

3.4.1. None received.

## **4.0 Planning History**

### **4.1. Appeal Site**

4.1.1. Pre-planning discussions between representatives of the planning authority and the appellants regarding a house on the subject site was undertaken in October 2019. I am not aware of any planning applications relating to the appeal site:

### **4.2. Surrounding Sites**

4.2.1. Recent planning applications in the surrounding area primarily relate to proposals for additional houses and domestic extensions, including the following:

- ABP Ref. 305752-19 (Planning Reg. Ref. PD/19/416) – retention permission granted in February 2020 by the Board for a domestic garage.

## **5.0 Policy & Context**

### **5.1. Roscommon Town Local Area Plan 2014-2020**

5.1.1. The appeal site has a zoning objective 'Strategic Residential Reserve' within the Roscommon Town Local Area Plan 2014-2020, with four stated objectives, including an objective to provide for new residential development, albeit subject to the premise that all lands zoned 'New Residential' have been developed or are subject to a grant of planning permission, and there is a demonstrable demand, supported by factual evidence, for further new residential development within the settlement boundaries. Map 16 of the Local Area Plan identifies The Walk as being part of a proposed looped walking and cycling route.

5.1.2. Relevant planning policies and objectives for residential development are set out in section 7.13.1 of the Local Area Plan, while development management guidelines and standards for new residential development are outlined in section 8.310.

## 5.2. Natural Heritage Designations

5.2.1. The nearest natural heritage designated European sites to the appeal site, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), are listed in table 1 below.

Table 1. Natural Heritage Designations

Site Code	Site Name	Distance (km)	Direction
000440	Lough Ree SAC	3.4km	Southeast
002349	Corbo Bog SAC	5.7km	Northeast
000588	Ballinturly Turlough SAC	6.0km	Southwest
004064	Lough Ree SPA	6.9km	East
004097	River Suck Callows SPA	7.9km	Southwest
000609	Lisduff Turlough SAC	10.1km	South
000448	Fortwilliam Turlough SAC	12.7km	East
002200	Aughrim (Aghrane) Bog SAC	12.9km	Southwest
000611	Lough Funshinagh SAC	13.3km	Southeast
001637	Four Roads Turlough SAC	14.3km	South
004140	Four Roads Turlough SPA	14.3km	South

## 5.3. Environmental Impact Assessment - Preliminary Examination

5.3.1. Having regard to the limited nature and scale of the development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

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

6.1.1. The grounds of the first-party appeal, which were accompanied by correspondence from the appellants to the planning authority dated the 9<sup>th</sup> day of December, 2019, a map demonstrating zoned lands considered not to be available for housing and correspondence from an auctioneer, can be summarised as follows:

- the appellants' present home is no longer suitable for their needs and the acquisition of the subject site was considered to be a sustainable means of addressing their housing need, particularly given that they have access to other farmed family lands within the 'Transitional Agriculture' zone of Roscommon;
- the principle, the design and the layout of the proposed house on this site is accepted by the planning authority and the development is justified having regard to infill nature of the proposals, the zoning and the lack of new housing within the settlement boundaries;
- the proposed development could not be considered to set a precedent, particularly considering the Board's grant of permission in August 2015 under ABP Ref. PL20.245014 for a neighbouring house within the strategic residential reserve;
- the housing needs of local families should not be undermined by the failure of the market to provide housing in the town to suit them;
- the majority of the strategic residential reserve lands in the town are controlled by three parties and the likelihood of these lands being made available for housing is very doubtful;
- economic factors in relation to supply and demand do not support large-scale housing within the undeveloped lands of the town;
- as illustrated, the proposed development would not prejudice the development of the remainder of the landholding for increased housing densities and there would be minimal impact on the visual amenities of the area based on the site context and the existing and proposed landscaping.

## **6.2. Observations**

6.2.1. None

## **6.3. Planning Authority Response**

6.3.1. The Planning Authority did not respond to the grounds of appeal.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. I consider the substantive planning issues arising from the grounds of appeal and in the assessment of the application and appeal, solely relate to whether or not the proposals would be in compliance or otherwise with land-use zoning objectives for the site and the impact of the proposed development on existing local amenities.

### **7.2. Land-use Zoning Objectives**

7.2.1. The planning authority's reason for refusing planning permission stated that the proposed house could be facilitated on other zoned lands within the town and that the proposed development would not only contravene zoning objectives for the site, but would also undermine the future development potential of the site and would set a precedent for similar forms of piecemeal development. The grounds of appeal assert that there is sufficient planning and development rationale to allow the appellants to construct a house on the subject site.

7.2.2. Map 17 of the Roscommon Town Local Area Plan 2014-2020, addressing land-use zoning objectives, identifies the appeal site, the subject landholding and the immediately adjoining lands, as being within the 'Strategic Residential Reserve' (SRR) for the town. The Local Area Plan sets out that the SRR is anticipated to be developed during the period of the forthcoming town plan, 2020 to 2026, and that the SRR would only be used for housing during the present 2014 to 2020 period, if a scenario arose that would necessitate this. Such scenarios would be dependent on all lands zoned 'New Residential' being developed or being subject of a grant of planning permission, as well as factual evidence that there is a demonstrable demand for further housing within the Plan area.

- 7.2.3. Within the grounds of appeal it is asserted that the restrictions on housing developments arising from land-use zoning objectives within the Local Area Plan are failing to address or recognise the specific housing needs of the appellants and other persons with a similar housing need and the market is currently not providing the type of housing that they require within the town. It is asserted that land ownership and economic factors are constraining housing developments particularly on 'New Residential' zoned lands and as a consequence there is rationale to permit the subject proposed house within the SRR. The Local Area Plan states that the 'New Residential' lands amount to approximately 27 hectares and that they will be developed in a sequential approach.
- 7.2.4. The planning authority has not indicated whether or not a draft plan for the town to cover the 2020 to 2026 period has been prepared to date and I am not aware of same. There remains extensive 'New Residential' lands within the town that have not been developed, including lands proximate to the south and west of the appeal site. A review of the planning register would also suggest that these areas are not all subject of grants of live planning permissions. While there may be broader difficulties with the supply of housing within the town, this potentially could be addressed as part of the review of the Local Area Plan. I am satisfied that there remains suitable alternative 'New Residential' zoned lands within the town capable of providing for housing, therefore, the scenario does not presently exist that would provide the planning rationale to permit the subject proposed development. While the site is capable of accommodating a house, the principle of providing a house on the site is not provided for currently in statutory planning terms, including the land-use zoning matrix of the Local Area Plan and as housing development for the town needs to occur in a logical sequential manner, in order to avoid haphazard piecemeal development.
- 7.2.5. To address concerns that the proposed development could potentially compromise or inhibit the development potential of the subject landholding measuring 0.52ha, the appellants provided an indicative sketch plan, as part of an unsolicited further information submission to the planning authority, identifying the potential for four houses on the landholding. The sketch plan does not comprehensively illustrate that the adjoining zoned lands could be sustainably developed at an appropriate scale alongside the proposed house, particularly given the layout presented and the low

density of the indicative proposals at eight units per hectare. In order to efficiently use zoned land resources and services, new residential development in this area should be expected to aim for higher densities than those proposed and indicated in the application, as well as those prevailing in the immediate area of the appeal site.

- 7.2.6. The appellants assert that the Board's grant of permission in August 2015 under ABP Ref. PL20.245014 for a house approximately 1.2km to the south of the appeal site and within the SRR, provides a precedent for the subject development and as a consequence the subject development would not set a precedent for similar development in the SRR. Since this Board decision the National Planning Framework (NPF) was issued by the Government of Ireland in 2018. The NPF includes National Policy Objective 35, which seeks to increase residential densities in settlements through a range of measures, including infill development schemes. Accordingly, having regard to the location and nature of the zoned, serviced site, surrounded by other zoned lands and established housing, and in failing to make efficient use of serviced zoned land, the proposed development at a density of less than four units per hectare, would not be consistent with National Policy Objective 35 of the NPF.
- 7.2.7. In conclusion, the proposed development would be contrary to the provisions and the SRR land-use zoning objectives for the site, as outlined in the Roscommon Town Local Area Plan 2014-2020, as there are 'New Residential' zoned lands within the town available for housing on a sequential basis, which would avoid the necessity for haphazard, piecemeal residential development on the subject site. Furthermore, the proposed development would fail to make efficient use of serviced zoned land and, accordingly, would be inconsistent with National Policy Objective 35 of the NPF. Permission for the proposed development should be refused for these reasons.

### **7.3. Impact on Existing Local Amenities**

- 7.3.1. When considering planning applications for residential development, the Local Area Plan requires the preservation of residential amenities and due consideration regarding the siting and design of housing, including the need to respect the established building line and the provision of attractive and attentive detailing within proposals. The grounds of appeal assert that the principle, design and layout of the proposed house has been accepted by the planning authority and that the

development is justified having regard to the infill nature of the proposals. Within the planning authority's report assessing the proposed development, concerns were raised regarding the potential for overlooking from the east-facing windows in the proposed house.

- 7.3.2. Following on from the conclusions in section 7.2 above, the principle of a house on this site has not been established, however, I am satisfied that the design, appearance, siting, scale and height of the proposed house would be in keeping with the established pattern of housing along the immediate and wider streetscape and, therefore, the proposed development would not detrimentally impact on the visual amenities of the area. Undue overshadowing or overbearing impacts would not arise for neighbouring residents as a result of the scale and siting of the proposed house on the site. Overlooking of neighbouring properties would not arise from ground-floor windows, given the existing east side boundary wall and the scope to enhance or specify boundary treatments for the new west side boundary. Furthermore, potential for excessive overlooking from the first-floor level of the proposed house would not arise given the separation distances of between 13m to 16m from the bedroom windows to the side boundaries, along with the positioning of a proposed shed/garage on the eastern boundary.
- 7.3.3. In conclusion, the development would not detrimentally impact on the visual amenities or the residential amenities of the area, including property in the vicinity. Accordingly, permission for the proposed development should not be refused for reasons relating to the impacts on existing local amenities.

## **8.0 Appropriate Assessment**

- 8.1. Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 9.0 Recommendation

- 9.1. I recommend that planning permission should be refused for the reasons and consideration set out below.

## 10.0 Reasons and Considerations

1. Having regard to the zoning of the site as part of the 'Strategic Residential Reserve' in the Roscommon Town Local Area Plan 2014-2020, the objective of which is to provide for new residential development following the development or grant of planning permission for all lands zoned 'New Residential' in the town and subject to a demonstrable demand, the documentation submitted with the application and the appeal, and the availability of 'New Residential' lands within the town, it is considered that the proposed development, would not comply with the said zoning objective and would form a haphazard, piecemeal development. Furthermore, it is considered that having regard to the location and nature of the zoned, serviced site, surrounded by other zoned lands and established housing, the proposed development would not be consistent with National Policy Objective 35, as set out in the National Planning Framework issued by the Government of Ireland in 2018, which seeks to increase residential densities in settlements through a range of measures including infill development schemes. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Colm McLoughlin  
Planning Inspector

18<sup>th</sup> March 2020