

An
Bord
Pleanála

Board Direction
BD-018347-24
ABP-319383-24

The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/11/2024.

The Board decided to make a split decision, to

- (1) grant retention permission (subject to conditions), for the following reasons and considerations and subject to the following conditions for, retention of increase in domestic site area by 0.018 hectares (from 0.240 hectares to 0.258 hectares in total) along with ancillary site works, retention of 1 domestic shed as constructed with a gross floor area of 105.45 sq.m. along with ancillary works located to south-east of existing dwelling, retention of connection to existing onsite wastewater treatment system serving existing dwelling from aforementioned domestic shed, for the reasons and considerations marked (1) under and subject to the conditions set out below, and
- (2) refuse permission for, proposed restoration and connecting extension to 2 existing outbuildings to east of existing dwelling, to provide additional accommodation dedicated to existing dwelling, proposed connection to existing onsite wastewater treatment system serving existing dwelling from proposed outbuilding accommodation, and all associated site works and landscaping. for the reasons and considerations marked (2) under.

In deciding not to accept the Inspector's recommendation to the Board to grant retention permission and permission for the overall development, the Board had regard to the totality of the documentation on file, including the report of the planning authority which stated that *'it is considered the principal family home currently facilitates the applicants housing need and is therefore not in compliance with the designated policy as per the County Development Plan'*. On the facts as set out in the application and appeal documentation, the Board shared this opinion of the planning authority. Specifically, the Board noted the commentary of the applicant's agent that, *'the applicant and his family currently number 5 people. The applicant's existing house has 4 bedrooms'*. The applicant's agent then noted that, *'... the addition of partners and grandchildren would make current living arrangements more difficult'*. The Board determined that the information on file relates to a desire for more space that may arise potentially from future changes, as opposed to a reasonable account of demonstrated need to provide an independent living unit for a family member and in this context did not share the opinion of the inspector that the information provided on need seemed reasonable to him. In the absence of clear demonstrated need, it is considered that the proposed development would therefore not accord with any relevant provisions of the Sligo County Development Plan 2017-2023, or the Sligo County Development Plan 2024-2030. Furthermore, the Board determined that the substance of this issue has been fully ventilated in the application and appeal process and that the views of the applicant have been fully engaged with in reaching its decision.

(1)

Having regard to the nature and scale of the development for which retention permission is sought, to the relevant provisions of the current Sligo County Development Plan, to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the retention of the increase in the domestic site area, the retention of the domestic shed, and associated works including retention of the connection to the existing onsite wastewater treatment system, would not seriously injure the amenities of the site or of property in the

vicinity, would not be prejudicial to public health, would be acceptable in terms of pedestrian and traffic safety and would otherwise constitute an acceptable form of development at this location.

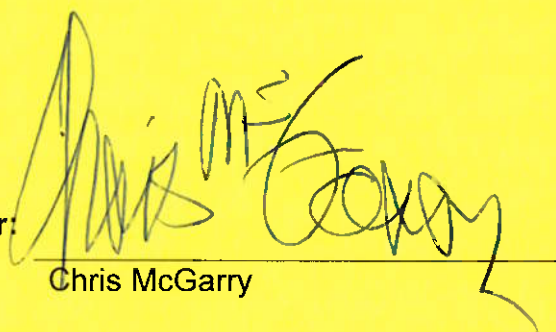
ADD IN STANDARD CONDITIONS ON RETENTION.

(2)

1. Having regard to the nature, scale and extent of the change of use, including additional floorspace within the connecting extension, to the specific detail set out in the application documentation as to the rationale for the proposed change of use, specifically the content and substance of the application and appeal documentation which fully ventilates the issue of argued need, to the assessment of this argued need by the planning authority wherein the report of the planning officer states that, *'it is considered the principal family home currently facilitates the applicants' housing need....'* and to the relevant provisions of the Sligo County Development Plan 2024-2030, including policy 33.2.17 relating to independent living unit for a family member, and which requires that there is a demonstrated need to provide an independent living unit for a family member, it is considered that the proposed development would be inconsistent with the provisions of the statutory development plan and would constitute a significant additional amount of residential accommodation on site related to a desire for such accommodation, as opposed to a clearly demonstrated need. In the absence of clear demonstrated need, it is considered that the proposed development would therefore not accord with any relevant provisions of the Sligo County Development Plan. The proposed development, by itself and by the precedent it would set, would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: the Board noted the reasons for refusal as set out by the planning authority. On the issue of the proposed change of use being tantamount to the creation of an independent residential unit, the Board understood the concerns as set out therein, but assessed the application documents on the nature and extent of the development as described in the statutory notices. On the issue of wastewater, the Board noted the acknowledgement of the environmental services section of the planning authority, to the effect that 'on inspection of the details submitted the existing onsite wastewater treatment system appears adequate.' The Board nevertheless retain some concerns due to the nature of the intensification having regard to the significant size of new residential floor area. On the issue of sightlines, the Board shared the concerns of the planning authority due to the effective intensification of movements which could potentially arise. Ordinarily, if the Board had been minded to consider a grant of permission, these two matters would have required further consideration and potentially further information before a final determination could be made. However, having regard to the substantive reason for refusal set out above, it was decided not to pursue these two matters in the context of the current appeal. It is recommended that any future application which seeks to address the issue of demonstrated need for additional residential floorspace on site in the form of an independent living unit for a family member, should also provide update analyses of the wastewater and sightline issues.

Board Member:



Chris McGarry

Date: 05/12/2024