



An
Bord
Pleanála

Inspector's Report PL 21.247132

Development	Construction of a storey and a half dormer dwelling together with all associated site works.
Location	Ballyweelin, Rosses Point, Co. Sligo.
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	16/228
Applicant(s)	Seamus and Eiteain Monaghan
Type of Application	Planning Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	Third Party – V - Grant
Appellant(s)	Adam Kiely and Olivia Lynch
Observer(s)	None
Date of Site Inspection	17 th October 2016
Inspector	Tom Rabbette

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1.0 Site Location and Description

- 1.1. The site is located within the designated development boundary of Rosses Point in Co. Sligo. It is a greenfield site but is surrounded by residential development to the north, east, south and west. There is another vacant greenfield site immediately adjoining the application site to the west. The site is accessed via a private residential estate known as Oyster Bay. It accommodates some 50 dwellings, made up of detached and semi-detached units. The dwellings on lands adjacent the application site to the east, south and west are not accessed via Oyster Bay. Ground levels on the application site are significantly higher than those on the developed residential site immediately to its south. Given its elevated nature, the site affords impressive views across Sligo Harbour and Bay.

2.0 Proposed Development

- 2.1. The applicants are seeking permission to construct a one and a half storey dwelling on the site. The site has a stated area of 0.77 ha. and the proposed dwelling has a stated gross floor area of 289 sq.m. It is proposed to connect the dwelling to the public water mains in the adjacent Oyster Bay estate. It is proposed to provide a small sewage pump station on the site and to connect to an existing foul sewer manhole in the Oyster Bay development via a rising main. The site is to be accessed via the Oyster Bay estate to the north. This will entail opening a vehicular entrance off a turning bay located in that development.

3.0 Planning Authority Decision

3.1. Decision

By Executive Order dated 26th July 2016 the planning authority decided to grant permission for the dwelling subject to 9 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's Report dated 28/07/2016:

- Grant of permission recommended subject to conditions.

3.2.2. Other Technical Reports

Area Engineer/Technician Report dated 01/07/2016:

- Conditions recommended.

Irish Water Report dated 21/07/2016:

- No objection.

Preplanning Consultation Ref. No. 2538 dated 09/09/2015:

- Issues raised included: restricted site; proposed floor area; proximity to site boundaries; previous permitted dwelling on the site; size of dwellings in Oyster Bay; impact of extent of infill, and retaining wall relative to site to south.

3.3. **Third Party Observations**

An objection on file to the p.a. makes reference to the following: overbearing impact of the design; scale, height and orientation; development granted under 12/269; not in keeping with surrounding properties; overloaded water-based services, and impact on residential amenities.

4.0 **Planning History**

12/369: Planning permission granted for two dormer type dwellings with associated site works previously granted under PL 07/111 (plans and particulars on current file). The current application site formed the eastern part of the site that was subject of 12/369.

07/111: Permission granted for two dormer dwellings with associated site works. The current application site formed the eastern part of the site that was subject of 07/111.

04/210: Permission granted to amended existing site layout at 01/355 (PL 21.130291).

01/355 (PL 21.130291): Permission granted for the residential development to the north of the current appeal site. This is the parent permission for development now

known as Oyster Bay and through which the proposed development is to be accessed.

5.0 Policy Context

The operative plan for the area is the Sligo County Development Plan 2011-2017. General Housing Policies are contained in Chapter 5 'Housing'. Chapter 42 of Volume 2 of the written statement of that CDP contains the Rosses Point Mini Plan. As per that Mini Plan the application site is zoned for residential use as indicated on page 141. There are no specific objectives applicable to the application site as indicated on page 142 of the Mini Plan.

Extracts of the above mentioned sections of the CDP are in the appendix attached to this report for ease of reference by the Board.

6.0 The Appeal

6.1. Grounds of Appeal

Adam Kiely and Olivia Lynch, Oyster Bay, Rosses Point, Co. Sligo

The contents of the third party's grounds of appeal can be summarised as follows:

- The scale, height and orientation is not in keeping with the adjoining properties.
- It is out of keeping with the previous planning permission granted for the site and for the adjoining site ref: 12/369.
- It is out of keeping with existing houses in the Oyster Bay housing estate which it will become part of.
- The design of the proposal does not take into consideration the adjoining properties within the immediate vicinity.
- There are 4 semi-detached and two detached dwellings constructed in similar design and materials in the immediate vicinity in Oyster Bay, the proposed development will be out of keeping with these properties.

- Currently the services of Oyster Bay are unable to cope with the 50 houses within the development.
- There is raw sewerage contaminating the rain water gulleys adjoining the site of the proposed development and of adjoining existing dwellings.
- There is raw sewerage overflowing the manhole covers of the sewerage system on a regular basis and flowing down the road gathering in front of homes and in front of the application site.
- The proposed development will adversely affect the already overburdened sewerage system without redress to resolving these ongoing issues.

6.2. Applicant's Response

The contents of the applicant's response to the grounds of appeal can be summarised as follows:

- Planning history pertaining to the site and adjacent site to the west outlined.
- Design iterations, including pre-planning meetings with the p.a., outlined.
- All adjoining properties carefully considered in the design process.
- The proposal is visually attractive, imaginative, well thought out, reasonable, and a conservative design.
- None of the 4 houses to the immediate north, east, south or west objected.
- The appellants own a holiday house in Oyster Bay.
- As far as the applicant is aware, this is the fourth successive objection or appeal by the appellants to any development in the area.
- The appellants previously stated in writing (under 12/369) that they did not want any development on these sites which would cause their view of the coastline to be lost.
- The appellants' house is not adversely affected by the proposed development.
- The p.a. has granted 3 successive permissions for a house on the site.

- The Board is asked to consider that the 3 successive permissions considered the site as being independent of Oyster Bay and there is no need for the design etc. to be in keeping with the design of houses in Oyster Bay.
- The other 49 houses in Oyster Bay do not appear to share the appellants' concerns.
- Whilst the proposed house is not a replica of the many different house types in Oyster Bay, it does retain some design and external stone features which are consistent throughout Oyster Bay.
- The mass of the house is broken down into different sections.
- The windows are all kept a considerable distance from boundaries they face.
- The site is zoned land and is not in an area with protected views.
- The site is surrounded by a wide variety of house types of various height, scale and levels (photographs submitted with response to appeal).
- The design does take into consideration the adjacent 6 dwellings within the immediate vicinity within Oyster Bay which consist of 4 semi-detached dwellings and 2 detached that are constructed of similar design and materials.
- The application site is not part of Oyster Bay land, estate or management structure.
- The application site was not included as part of the development permitted under 04/210.
- The site is located on the fringes of Oyster Bay, it will not become part of the Oyster Bay housing estate.
- The p.a. and An Bord Pleanála previously granted permission for c. 50 dwellings in what is now Oyster Bay. Permission would not have been granted if the services could not cope with the capacity of the 50 dwellings.
- The capacity of the sewer is more than capable to accommodate the proposed dwelling.

- In 2012 the foul sewer serving the lower houses in Oyster Bay was re-laid to correct a slight back fall in the pipe, the applicants believe that these works were successful.
- There is no blockage in the system at present.
- The minor isolated blockage referred to by the appellants was not related to the capacity of the sewer pipe which is more than sufficient for the number of houses in the estate.
- There is no raw sewerage overflowing any manhole covers 'on a regular basis'.
- The response includes, *inter alia*, a report in relation to the sewer system from the applicants' agent.

6.3. Planning Authority's Response

The contents of the planning authority's response to the grounds of appeal can be summarised as follows:

- While the site is accessed off the Oyster Bay development, it is surrounded by a wide variety of other house types of various heights, scale and levels.
- It is not considered that the proposed design need necessarily be in accordance with the design of the Oyster Bay properties but rather that it should be consistent with the overall scale and character of surrounding development.
- The ridge height of the proposed development will actually be lower than the adjoining properties in Oyster Bay to the north.
- It is considered that the site is of an adequate size to accommodate the proposed development.
- The house design has been arranged to break down the overall scale and mass of the dwelling so that it will not appear excessive.
- From the main public view of the dwelling on the turning area to the northwest of the site much of the dwelling will not be visible.

- The proposed development can be accommodated without adverse impacts on the visual amenity of the area.
- In relation to services, the p.a. refer the Board to the report received from Irish Water indicating no objection to the proposal.

7.0 Assessment

- 7.1. I have examined all the plans, particulars and documentation on file. I have carried out a site inspection. I have had regard to relevant provisions of the statutory plan for the area. In my opinion the main issues arising are as addressed hereunder.
- 7.2. The first two points in the appellants' grounds of appeal relate to the design of the proposed dwelling and its context.
- 7.3. The appellants hold that the proposed dwelling will be out of keeping with the dwellings in the existing Oyster Bay residential estate to the north of the site. The proposed dwelling is to be accessed via that existing residential estate.
- 7.4. The appellants cite the scale, height and orientation as concerns. They believe that the design of the proposed dwelling does not take into consideration the existing neighbouring dwellings in the Oyster Bay development. They state that the proposed dwelling will become part of the Oyster Bay estate but will be out of keeping with the adjacent houses in this development.
- 7.5. I would acknowledge that there is a consistency of design across the dwellings in the Oyster Bay development. While the dwellings in this estate are not all identical, there is a homogeneity in the design here and there is a uniformity in the materials used in the external finishes to the dwellings.
- 7.6. Nevertheless, I would agree with the p.a. Planner's Report on file where it states that the application site is surrounded by a wide variety of other house types of various height, scale and levels. In particular, the existing dwellings to the east, south and west of the site vary in height, scale, levels and design idiom. However, I would also note that all of those other dwellings, unlike the proposed dwelling, are not accessed via the Oyster Bay estate, they each have their own separate access off the public road which is located on lower ground some 50 metres to the south of the application site. I am of the opinion, nonetheless, that the immediate context of the site allows

for some degree of leeway or departure, in design terms, from the design of the dwellings in the Oyster Bay estate. I would also concur with the p.a. response to the grounds of appeal where it is noted that, when viewed from the turning area to the northwest of the site, much of the proposed dwelling will not be visible, this too allows for some flexibility in design response.

- 7.7. Furthermore, I am not altogether convinced that the design of the proposed dwelling marks a radical departure from those in the Oyster Bay development. Those dwellings are 1.5 storey dormer-type dwellings as is the proposed house on the application site. A nap plaster finish with some stone cladding is proposed to the dwelling, there are similar finishes to the existing dwellings in Oyster Bay. In the event that the Board should grant permission I would recommend a condition requiring the external finishes of the proposed dwelling be consistent with those within Oyster Bay. The applicants state in their response to the grounds of appeal that the design does take into consideration the adjacent 6 dwellings in the immediate vicinity within Oyster Bay which consist of 4 semi-detached dwellings and 2 detached, I would accept this assertion. I would also draw the Board's attention to the preplanning consultation documentation on file. The design of the dwelling at that stage was significantly different from the dwellings in Oyster Bay, the dwelling design now before the Board does have due deference to the dwelling designs in Oyster Bay, in my opinion. The mass and scale of the proposed dwelling is broken down into a number of volumes. The ridge height of the dwelling is lower than those to the north in Oyster Bay. The proposed dwelling does have regard to the building line as established by the two detached dwellings immediately to its north in Oyster Bay. The orientation of the proposed dwelling, taken in conjunction with the proposed fenestration and separation distances from the existing dwellings on all sides, will ensure that there will be no adverse impact on the neighbouring properties by reason of overlooking or overshadowing. I would, however, suggest a similar condition to that imposed by the p.a. under its condition no. 8 to further safeguard the residential amenity of the two-storey dwelling to the west and the residential site immediately adjoining to the west. I note there is a bungalow to the south of the application site. It is on much lower ground than the application site. Its rear elevation is orientated north-east and therefore a back-to-back situation is not being created. In any event, the two dwellings at their nearest point will be over 27 m apart

with a greater (c. 30 m) separation distances between existing and proposed windows (and these will not be directly opposing windows).

- 7.8. Having regard to the foregoing, I am of the opinion that the proposed dwelling will not adversely impact on the visual amenity of the area, including the adjacent Oyster Bay development. Nor will the proposed development adversely impact on established residential amenities by reasons of overlooking, overshadowing or impact on privacy. There is no protected view as such applicable to the site.
- 7.9. The appellants have also raised concerns about the capability of the foul sewer to accommodate the proposed development. In the context of this being an application for one additional dwelling, the potential loading on the system could not be considered critical. Permission has previously been granted for two dwellings at this location (on the application site and site adjoining to the west). I note Irish Water have indicated no objection to the proposed development (ref: Report dated 21/07/2016). I also draw the Board's attention to the applicants' response to the grounds of appeal and, in particular, to the report submitted by the applicants' agent concerning the specific issues raised by the appellants concerning the capacity of the existing sewer to accommodate the proposed development (ref: Report by JSA Architectural Services dated 20/09/2106). The proposals within that report appear reasonable. In the event of a grant of permission I would recommend that the Board condition the applicants to agree the details of the foul sewer connection with the p.a. prior to the commencement of development. In the circumstances it may be considered unreasonable to refuse permission in relation to this issue.
- 7.10. In the submission of the 20/09/2016 to the Board (i.e. the applicant's response to the grounds of appeal) the applicant's agent corrected an error in the original submission on one of the drawings that gave rise to the p.a. condition no. 2. I draw the Board's attention to the A4 drawing on file received by the Board on the 20/09/2016 clarifying the ffl and ridge height (JSA Architectural Services drg. No. 202-3.0.10-301a). I would recommend a condition applying the ffl as indicated in that drawing. I also concur with, *inter alia*, the p.a. condition no. 4 regarding the height of the wall along the western site boundary and would recommend a similar condition should the Board be disposed to a grant of permission.

- 7.11. Having regard to the foregoing, and also to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

8.0 Recommendation

- 8.1. Grant permission for the proposed development subject to the conditions as indicated hereunder.

9.0 Reasons and Consideration

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

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 20th day of September, 2016, 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.

Reason: In the interest of clarity.

2. The finished floor level of the proposed dwelling house shall not exceed 98.0 metres O.D. as indicated on the drawing titled 'Longitudinal Sections Building Section' (Drg. No. 202-3.0.10-301a by JSA Architectural Services) received by An Bord Pleanála on the 20th day of September 2016.

Reason: In the interests of clarity.

3. The external finishes of the proposed dwelling shall be consistent with those of the existing dwellings in the Oyster Bay residential development to the north of the site. In that regard, the applicant shall submit to, and agree in writing with, the planning authority a sample of the stone cladding proposed to be used at specified locations on the elevations and a sample of the slate finish to the roof.

Reason: In the interests of visual amenity.

4. The height of the proposed boundary wall along the western site boundary shall be increased to a height not exceeding 1.8 metres for a distance of 20 metres measured from the southern site boundary.

Reason: In the interests of residential amenity.

5. The layout of the vehicular entrance, including the provision of a footpath, kerbing and surface water drainage at the front of the site, shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

6. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

7. All foul sewage shall be discharged to the public sewer. Prior to the commencement of development the applicant shall submit to, and agree in writing with, the planning authority, detailed design proposals for the connection to the existing foul sewer located to the north of the site in the Oyster Bay development. The detailed design proposals shall include proposals in relation to the pump, rising main and connection via the existing manhole in the Oyster Bay development.

Reason: In the interests of clarity and public health.

8. The proposed first floor window on the western elevation serving the master bedroom shall be omitted.

Reason: In the interests of residential amenity and to prevent overlooking of adjoining residential lands.

9. The developer shall pay to the planning authority a financial contribution 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. The contribution shall be paid prior to the 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. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Tom Rabbette
Senior Planning Inspector

21st November 2016