



An  
Bord  
Pleanála

## Inspector's Report PL21.247407

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<b>Development</b>	Renovation and extension of outhouse for use as a dwelling at Ballyweelin, Co. Sligo
<b>Planning Authority</b>	Sligo County Council
<b>Planning Authority Reg. Ref.</b>	16/304
<b>Applicant(s)</b>	Garnett Horan
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Appellant(s)</b>	Garnett Horan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19/01/2017
<b>Inspector</b>	Lorraine Dockery

## **1.0 Site Location and Description**

- 1.1. The subject site, which has a stated area of 0.176 hectares contains a traditional stone structure, that is currently derelict. The proposed development opens onto a private laneway off Regional Road R291. There is a double white line down the centre of the roadway at the point where the private laneway opens onto the R291 routeway. There are stated to be six residential properties utilising the laneway.
- 1.2. There is an existing agricultural entrance from the subject site onto the laneway. The existing structure is attached to a larger structure, of similar height and style, which does not form part of the application. The existing plan comprises of three rooms. The roof and external walls are largely intact. The boundaries of the site are bound by a natural stone wall.

## **2.0 Proposed Development**

- 2.1 The proposed development, as described in the submitted public notices, comprises permission to renovate and extend an existing outhouse for use as a dwelling, existing agricultural access to be retained as new vehicular access for new dwelling, new sewer and mains water connection to mains on Rosses Point Road and associated landscaping and works at Ballyweelin, Rosses Point, Sligo.
- 2.2 The stated floor area of the existing structure on site is 39.5 square metres while the stated floor area of the proposed works is 36.6 square metres. The stated drawings state that the existing structure is to be rebuilt. The documentation attached to the file states that the existing walls shall be kept while the roof shall be repaired and replaced with 'Corten' steel cladding on a ribbed internal structure. The height of the existing structure is stated as being approximately 5 metres above ground level. This height remains unchanged. The height of the proposed extension element is stated as being approximately 5.6 metres, internally largely comprised of a double height space. The roofs of both elements are proposed to be clad in 'Corten' steel cladding to mimic the traditional steel roofs of sheds.

2.3 The proposal provides for two bedrooms, three bathrooms, open plan kitchen/living/dining area, utility and hotpress, all at ground floor level. A stated area of 48.1 square metres of private open space is proposed in a courtyard type setting. Two no. off-street parking spaces are proposed to the north of the existing structure.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Permission REFUSED for 2 no. reasons.

The first reason related to overdevelopment of the site, substandard level of private open space, setting of undesirable precedent for such excessive level of density and contrary to roper planning and sustainable development of the area.

The second reason for refusal related to endangerment of public safety by reason of a traffic hazard due to limited size of site and hazardous turning movements onto adjacent private laneway.

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

The report of the area planner reflects the decision of the planning authority

A Stage 1 Screening for Appropriate Assessment was undertaken and it concluded that by virtue of its nature, size, scale and particulars, the project does not have any significant effects on Natura 2000 sites.

#### 3.3. **Other Technical Reports**

Area Engineer Sligo/Drumcliffe: Refusal recommended in the interests if traffic movement and safety as proposal for car parking is not acceptable. Insufficient space within the site as shown to allow a vehicle to turn safely, if required before exiting onto the laneway. Furthermore, there does not appear to be any available space on the adjacent laneway for off-site parking

## 4.0 **Planning History**

No recent, relevant history

## 5.0 **Development Plan**

5.1. The Sligo County Development Plan 2011-2017 is the operative County Development Plan for the area.

Section 5 relates to rural housing policies

Fig 5.B indicates that the site is located within a Rural Area under Urban Influence

Section 12.3.8 Private Open Space

Table 12.A Car Parking Standards

Policy P-BH-3 seeks to 'generally encourage the re-use of older buildings through renovation and rehabilitation, in preference to their demolition or reconstruction'.

The subject site is located outside the development boundary and outside the 'Buffer Zone' of the Rosses Point Mini-Plan.

The subject site is located approximately 500 metres north of Cummeen Strand/Drumcliff Bay SAC (site Code 000627) and Drumcliff Bay SPA (004013).

## 6.0 **The Appeal**

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

The grounds of the first party appeal can be summarised as follows:

- Proposal adheres to all aspects of 'Quality Housing for Sustainable Communities' guidelines with regard to internal arrangements, sizing of spaces and external private open space

- 40 square metres is an accepted standard and adequate for a two-bedroom house- pleasant, south facing space
- Cannot be considered overdevelopment or inadequate open space when it achieves standards set out by ministerial guidelines
- Regarding setting of undesirable precedent, it is impossible for people to build in this rural area unless they are from the area- precedent would not be set due to this being a renovation and extension of an existing structure- any new application in area would be a greenfield site as there are very few structures like this in the area
- Proposal brings an unused historic structure back to life- best planning practice
- Movement onto private road is in the same fashion as other houses- neighbouring houses have restricted sites and need to pull onto the private road to allow a turning circle- proposal consistent with traffic movements in existence for three of existing 6 houses
- Site is zoned 'rural' but road is sub urban in character- proposal not considered to endanger public safety in this regard

## 6.2. Planning Authority Response

A response was received from the planning authority which may be summarised as follows:

- Guidelines referred to in appeal relate to multi-housing developments in urban areas
- Site located outside the plan limit including buffer zone of Rosses Point Mini-Plan- this is a Rural Area under Urban Influence- standards referred to in guidelines are not applicable to the subject development

- Consider proposal is not in keeping with residential character of the area-dwellings in vicinity are all sited on large plots
- Considers that proposal would set a precedent for further excessive density of development at this rural location by other applicants who establish a rural generated housing need
- Planner's Report outlines that the applicant has established a rural generated housing need and that proposal is in accordance with the provision of the County Development Plan with regards to rural generated housing. The refusal reasons relate to limited site size and endangerment of public safety by reason of a traffic hazard
- Refers to Roads Engineer's report

### 6.3. **Other Party Responses**

None

### 6.4. **Observations**

None

## 7.0 **Assessment**

7.1. I consider the key issues in determining this appeal are as follows:

- Principle of development
- Amenity issues including private open space provision
- Traffic issues
- Appropriate Assessment

## **7.2 Principle of development**

7.2.1 I note the location of the subject site, within an area designated as being a 'Rural Area under Urban Influence' in the operative County Development Plan. I also note the location of the site outside the buffer zone of the urban area of Rosses Point, as set out in the Rosses Point Mini-Plan. I do not concur with the opinion of the first party that this is a suburban infill site. The site is located within a rural area, in close proximity to, but most definitely outside of, the built-up area of Rosses Point and Sligo town. Given its location, demand for property in this area is expected to be high. I note the applicant is stated to be from the immediate area, having grown up in the area and the family home is outlined as being in close proximity to the site.

7.2.2 The proposed development is not for a new dwelling on a greenfield site. It is instead proposed to renovate and extend an existing agricultural structure. It is stated that the structure is of historical significance, being originally associated with Ballyweelin House to the east. I note that neither properties are Protected Structures or have any special designations pertaining to them. The existing structure is a traditional outhouse type structure, previously common to the rural area and may be considered to form part of the rural vernacular architecture of the area. Many such structures have disappeared in recent times. The proposal before me aims to renovate this existing structure and extend by means of a sympathetic traditional slipped plan. This proposal is considered to be in compliance with Policy P-BH-3 of the operative County Development Plan which seeks to 'generally encourage the re-use of older buildings through renovation and rehabilitation, in preference to their demolition or reconstruction'. I note that the subject structure forms part of a larger building. Notwithstanding the fact that the property may never have previously been used as a residential property, the proposal would make use of an existing structure which adds to the character of the area and would help preserve it for future generations. The re-use of an existing structure is considered to be a sustainable form of development and in principle, I would welcome such. Other issues raised in the appeal submission shall be dealt with below.

7.2.3 Having regard to all of the above, I consider that the proposed works to be acceptable in principle and consistent with the proper planning and sustainable development of the area.

### 7.3 Amenity Issues

7.3.1 The proposal provides for the renovation of an existing out-house and its extension to provide a modern living space. The elevational changes proposed to the existing changes are relatively minor. The envelope of the existing structure is to remain largely unchanged and the design of the proposed extension, a traditional slip plan is considered to be sympathetic to the existing structure in terms of design, layout, materials and style. The increased height over and above the height of the existing out-house is considered acceptable.

7.3.2 One of the main issues of concern in the decision of the planning authority related to the provision of private open space and the subsequent overdevelopment of the site. At 48 square metres, the planning authority considered the open space to be inadequate and the proposal if permitted would lead to inadequate provision for any future occupiers of the property. The planning authority also expressed concerns in relation to the setting of an undesirable precedent for similar such developments in the vicinity. The planning authority in their report state that Section 12.3 of the operative County Development Plan, which states that no less than 48 square metres is required for a two-bed unit relates to multi-unit developments. The Ministerial Guidelines 'Quality Housing for Sustainable Communities' relate to multi-unit developments in urban areas. I would concur with this assertion. I would note that government guidelines are generally silent on the open space requirements for one-off dwellings in rural areas. The general nature of this type of development is that of low density development, large houses on relatively large plots. In this instance however, I consider that the re-use of an existing vernacular agricultural building and its conversion into a modest dwelling is preferable to a new build in the open countryside. I accept that the site size is smaller than many of the surrounding properties in the vicinity. This is not necessarily a bad thing as I consider that the



existing development in the vicinity is largely considered to be ribbon development with suburban type houses fronting onto the rural roadway.

7.3.3 The appellants in their submission state that approximately 48 square metres of private open space is being provided for. My calculations show that this figure is approximately 40 square metres of usable area. I accept that this figure is marginal, the site is quite restrictive and in many cases would be considered inadequate. However, in this circumstance I note the following. The proposal involves the re-use and renovation of an existing vernacular out-building and therefore lesser standards may be considered acceptable where the proposal is of a high quality. The proposed dwelling is a two-bed unit of relatively modest floor area. The internal spaces are considered to afford any future occupiers a high level of amenity. The open space is considered to be a high quality with good orientation. The location of the site is noted in close proximity to the coast and the amenity which this provides is noted. Having regard to all of the above, I consider the proposal to be acceptable in terms of private open space provision and consider that the proposal would afford any future occupier a high level of residential amenity.

7.3.4 Having regard to the circumstances of the site, namely the re-use of a traditional agricultural out-building, I consider that the setting of a precedent is unlikely. The proposal is considered to be acceptable in this regard and is considered not to represent overdevelopment of the site. I recommend that if the Bord is disposed towards a grant of permission, a condition be attached to any such grant stipulating that notwithstanding the exempted development provisions of the planning regulations, no further development take place within the curtilage of the site without a prior grant of permission.

#### **7.4 Traffic Issues**

7.4.1 The second reason for refusal which issued from the planning authority related to traffic issues, with the planning authority considering that the proposal would lead to the endangerment of public safety by reason of the creation of a traffic hazard. The

report of the Area Engineer of the planning authority stated that insufficient space was available within the site as shown to allow a vehicle to turn safely, if required before exiting onto the laneway. Furthermore, there does not appear to be any available space on the adjacent laneway for off-site parking. Having examined the information before me and having conducted a visit of the site and the surrounding area, I accept that the turning of a vehicle on site is not possible and that on-street parking does not appear to be an option. However, notwithstanding this, I note the limited size of the dwelling. It is anticipated that traffic movements would not be excessive considering the nature and size of the proposal. I note that the roadway onto which the driveway is proposing to open is a cul-de-sac with approximately six properties utilising it. The roadway is not heavily trafficked. Visibility is good at this location and it would be possible to reverse into the parking spaces proposed and drive out without undue issue. Having regard to all of the above, I consider that the proposed development would not lead to the obstruction of road users or the creation of a traffic hazard. I consider the proposal to be acceptable in this regard.

## **7.5 Appropriate Assessment**

7.5.1 A Stage 1 Screening for Appropriate Assessment was undertaken by the planning authority which concluded that by virtue of its nature, size, scale and particular, the project does not have significant effects on Natura 2000 sites. The subject site is located approximately 500 metres north of Cummeen Strand/Drumcliff Bay SAC (site Code 000627) and Drumcliff Bay SPA (004013). The current proposal provides for the re-use and extension of an existing structure on site. It is proposed to connect to both mains water and sewer. There will be no disturbance of any Natura sites due to the distances involved between the sites and the proposed development. It is not expected that the proposed development will impact on species population density in any of the identified Natura sites. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and

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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.

## 8.0 Recommendation

8.1. I recommend that planning permission should be granted, for the reasons and considerations as set out below.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Sligo County Development Plan 2011-2017 and to the nature, scale, height and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area, would not lead to the creation of an undesirable precedent and would not lead to the obstruction of road users or creation of a traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and 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 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. 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 and to ensure a proper standard of development.

3. Prior to the commencement of any works on site, the applicant shall agree in writing with the planning authority details of all proposed external finishes.

**Reason:** In the interest of visual amenity.

4. Site development and building works shall be carried only out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

5. Prior to the commencement of any development on site the applicant shall ascertain and comply with all requirements of the planning authority in relation to roads and access issues

**Reason:** In the interests of traffic safety

6. Notwithstanding the provisions of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended no works that would otherwise constitute exempted development shall be undertaken on the application site without a prior grant of permission from the planning authority

**Reason:** In the interests of orderly development

7. All service cables associated with the proposed development shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interest of orderly development and the visual amenities of the area.

8. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

**Reason:** To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development

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, as amended. The contribution shall be paid prior to 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, 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.

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Lorraine Dockery  
Planning Inspector

24<sup>th</sup> January 2017