



An
Bord
Pleanála

Inspector's Report PL21. 247908

Development	Extension to house
Location	Rosses Point, Co. Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	16/421
Applicant	Jennifer Flannery
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Jennifer Flannery
Observer	Dermot Gillen
Date of Site Inspection	14 th March 2017
Inspector	Stephen J. O'Sullivan

1.0 Site Location and Description

- 1.1. The site is in the village at Rosses Point. It overlooks Sligo Harbour. Access to the site and neighbouring properties is from an the village road which is elevated above a public car park and new road laid out along the shore. The site has a stated area of 555m². It is occupied by a single storey house with a stated floor area of 76m². The house was vacant at the time of inspection and hoardings had been erected in front of it. The cottage adjoins a terrace of two-storey houses to the west. The plot to the east is occupied by a two storey hotel. A return to the rear of the hotel runs along the eastern boundary of the site. The land at the back of the site slopes up, with its rear boundary c4.8m higher than the ground floor level of the cottage. There is a large undeveloped area behind the site which is part of the same landholding.

2.0 Proposed Development

- 2.1. It is proposed to build an extension to the rear of the house with a stated floor area of 206m² and a roof ridge height of 9.27m over the ground floor level of the existing cottage. The extension would have a modern design and would incorporate a roof terrace at first floor level over a new single storey element that would link the original house and the higher part of the proposed extension to the rear. The latter part would include accommodation at attic level, but not at the level equivalent to the ground floor in the existing cottage. Car parking would be provided behind the extended house, with access along its eastern gable to the street.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for two reasons.

The first reason stated that the proposed development would be obtrusive and would detract from the character of the existing house and the streetscape due to its scale and height.

The second reason stated that the proposed development would overlook and overshadow the properties on either side and seriously injure their amenity.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The retention of the house on the site is welcome and in keeping with policy. The proposed development is identical to that refused permission under PL16/225 except for the inclusion of a car parking and turning area which addresses the third reason for the previous refusal. The scale of the proposed extension relative to the existing house would be greater than those authorised under PL05/1191 and PL06/178 that were cited by the applicant. The proposed extension would be highly visible from the lower promenade road. The schedule of finishes indicates that the windows and render on the front of the cottage would be replaced. The rear wall of the cottage would be removed, eroding its character. The scale and height of the proposed extension would be excessive and it would be obtrusive. There is inadequate detail regarding construction along the site boundaries. The property to the east has extensive windows facing the site, while that to the west has private amenity space areas behind the house. The development would therefore have significant adverse impacts in terms of privacy and amenity value. Recent works on the site would not require planning permission. It was recommended that permission be refused.

3.2.2. Other Technical Reports

Area Engineer – Adequate provision should be made for surface water disposal and the gradient of the access road on the site should not exceed 1:10.

3.3. Third Party Observations

Objections to the development were received from the occupiers of neighbouring properties. The occupiers of the property to the east stated that –

- The access for construction on the site was less than the 3254mm indicated on the plan and includes a gully
- The sightlines exiting the property are blocked by a telegraph pole and boundary wall
- The board has previously refused permission due to the creation of an access onto a substandard road which would create a traffic hazard.

- The other grants of permission cited by the applicant did not overshadow or overlook other properties, nor did they involve the creation of new accesses.
- Inadequate details have been submitted of the proposed ramp along the gable of their property.
- The development would be out of kilter with the streetscape and would overlook and overshadow the neighbouring property.
- Works have occurred on the site without planning permission.

The occupier of the neighbouring property to the west expressed concerns similar to those set out in his observation on the appeal.

4.0 Planning History

On the current appeal site

Reg. Ref. PL16/225 – the planning authority refused permission in July 2016 for an extension on the site for three reasons, which referred to the impact on the character of the house and the streetscape, overlooking and overshadowing of neighbouring properties, and a hazardous access from the public road.

Reg. Ref. 06/524 – the planning authority refused permission for the demolition of the cottage and the erection of 10 houses and 6 apartments on a site that includes the current appeal site.

On other sites in the village –

Reg. Ref 05/1191 – the planning authority granted permission in May 2006 for a two-storey extension to a single storey house on the Village Road in Rosses Point c500m to the west of the current appeal site.

PL21. 236248, Reg. Ref. 09/578 – the board granted permission for a garage and vehicular access to the rear of the house to which permission 05/1191 referred.

Reg. Ref. 06/178 – the planning authority granted permission in May 2006 for a two storey extension to the rear of a single storey house on the Village Road immediately to the west of the site to which permission 05/1191 referred.

5.0 Policy Context

5.1. Development Plan

The Sligo County Development Plan 2011-2017 applies. Section 12.3.19 refers to extensions to houses. It states that they should be subordinate to the main house and integrate with it. Overshadowing and overlooking of adjacent properties should not occur.

The development plan includes a mini-plan for the Rosses Point. The site is zoned for mixed uses. Objective 42.4 B is to ensure that development within the village centre area is appropriately scaled, generally restricted to two storeys in height and designed to be in keeping with the character of existing development. Objective 42.4C is to require the retention and refurbishment of existing properties along the village road rather than demolition and reconstruction in order to retain the character and rhythm of the existing streetscape.

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

- The planning authority previously refused permission for apartments on the site as this would have involved the loss of the cottage. The applicant subsequently purchased the site after considering similar two storey extensions behind other cottages at Rosses Point that were granted under Reg. Reg. Nos. 05/1191 and 06/802 and 09/578, PL21. 236248. The sections of the proposed development compare favourably with those of the permitted extensions. Comparative drawings are submitted.
- The height of the proposed extension would match that of the hotel to the east, and it would be below the roofs of the houses on the higher land to the rear. The existing cottage and the buildings on either side would conceal

most of the extension in views from the street. Along with the retention of the existing cottage, this would ensure that the development was integrated into its surroundings.

- The siting of the proposed extension and the surrounding topography means that it cannot overlook or overshadow the adjoining properties. It will have minimal impact of those properties and will not alter the status of gable windows. It would not cast a shadow or block light to the neighbouring buildings.

6.2. Planning Authority Response

- The proposed development would retain the existing cottage and so would meet the principle set out in section 42.4C of the village plan to retain the existing properties along the village street. However concerns relate to the extent of alterations to the existing house and the excessive scale and height of the proposed extension.
- The proposal is for an extension of 207m² to a 76m² cottage with a roof 4.46m higher. The increase in size is greater than that for which a precedent was established by the grants of permission under Reg. Ref. Nos 05/1911 and 06/0178. While the appeal seeks to demonstrate that the proposed extension would not be highly visible from the street in front of the site, it would be more prominent from the lower promenade road. The proposed development would therefore be obtrusive and would detract from the character of the existing house and the streetscape.
- It has not been demonstrated that the proposed access would be suitable to facilitate backland development at this location.
- The planning authority would share the concerns expressed by third parties that there is inadequate detail regard construction of the proposed development which would occur right along the side boundaries of the site.
- With regard to overlooking, the property to the east contains extensive window openings for the length of the site. While the property to the west contains only one gable window it does have private amenity areas to the

rear. Given the height and proximity of the proposed development to these properties, including a large elevated terrace, it is considered that there would be significant adverse impacts in terms of privacy and amenity value.

6.3. **Observations**

The occupier of the adjoining house to the west objects to the proposed development, stating that it would overlook and overshadow adjoining property, seriously injuring their amenities as well as the overall streetscape. It would block natural light to a window on his house that is not shown on the drawings. No detailed drawings were submitted on the proposed construction of foundations adjoining his property.

7.0 **Assessment**

- 7.1. With regard to reason no. 1 of the planning authority's decision, it is noted that the proposed development would be larger and higher than the existing house on the site and would have modern design details. However the fact that the extension would be different does not necessarily render it unacceptable. The proposed development would retain the cottage in the streetscape in accordance with objective 42.4C of the village plan. The larger extension would be a clearly distinct element of the extended house by virtue of its setback and more modern design. However it would not be out of keeping with the context established by the two storey buildings on either side and the houses on the higher land to the rear. The proposed development would not be obtrusive and would not detract from the character of the existing house or the streetscape.
- 7.2. With regard to reason no. 2, it is noted that the proposed development would maintain the building line at the front the house while extending it to the rear. However the buildings on both sides of the site already extend further back than the cottage on the site. The proposed extension would not depart, therefore, from the established linear pattern of development along the village road. After inspection of the submitted drawings and of the site, I am satisfied that the proposed extension would not result in undue overlooking or overshadowing of any windows onto habitable rooms or private amenity areas on the neighbouring property to the west,

even taking account of the proposed terrace and the gable window on the other house that was omitted from the drawings. The property to the east has a commercial use with many windows immediately upon the boundary of the site. In these circumstances would be unreasonable to curtail development upon the site to avoid any impact on those windows, which themselves seriously interfere with the privacy of the residential property that is the appeal site. The proposed development would not, therefore, seriously injure the amenities of properties in the vicinity of the site.

7.3. With regard to other issues, it is noted that the previous occupiers of the neighbouring plots have erected buildings right up to the site's boundaries. The house on the site is and would remain a distinct structure from the buildings on the adjoining plots. The proposed extension and parking area would be higher than the ground floor level of the existing cottage. This reflects the slope on the site and would reduce the amount of excavation required to building the extension. In these circumstances the construction of the proposed development would not give rise to an extraordinary risk to the integrity of the structures on the adjoining land or their drainage that would justify refusing permission or substantially modifying the proposed development, although the preparation of a construction management plan might be prudent. The layout of the proposed vehicular access and the visibility available there are adequate given its location within the village core. The proposed development would not create a traffic hazard. The development would not facilitate access to the zoned but undeveloped land behind the site on the same landholding. However neither does the established condition of the site with the cottage upon it. The proposed development would provide a domestic extension within an village on a brownfield site, with the extended house draining to the public sewerage system. The likelihood of any significant effect on any European site can therefore be excluded.

8.0 Recommendation

8.1. I recommend that permission be granted subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the established pattern of development in the area and to the proposed retention of the cottage at the front of the site, it is considered that, subject to compliance with the conditions below, the proposed development would not detract from the character of the existing cottage or the streetscape, would not unduly overlook or overshadow other properties in the vicinity or injure their amenities, and would be acceptable in terms of traffic safety and convenience. The proposed development would therefore be in keeping 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 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. Details of the external materials, finishes and colours shall be agreed with the planning authority prior to the commencement of development. The details shall provide for blue/black slates on the roof over the existing cottage and timber doors and timber sash windows on its front elevation.

Reason: To protect the architectural character of the village

3. 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.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

5. 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.

Stephen J. O'Sullivan
Planning Inspector

12th April 2017