



An
Bord
Pleanála

Inspector's Report 248934

Development	Demolish 2 houses, construct 3 houses.
Location	Warren or Drum, Boyle, Co Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	PD/17/201
Applicant	Ben McLoughlin
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant	Ben McLoughlin
Date of Site Inspection	28 th September 2017
Inspector	Dolores McCague

1.0 Site Location and Description

- 1.1. The site is located on the outskirts of Boyle Co Roscommon in the townland of Warren or Drum where it fronts a local road, the L-1020-0 about 1.5km east of the town centre. Boyle has a dense urban core and some fine historic features but has been subject to sprawling low density development in modern times particularly eastwards towards Lough Key. The local road which forms a crossroads with the L-1020-0 to the south of the site is a straight line connection between the town and the Rockingham Demesne at Lough Key.
- 1.2. The site is roughly rectangular in shape with the narrow axis towards the road and comprises a field with a pair of semi-detached single storey derelict cottages along the road frontage, and portions of an adjoining field.
- 1.3. There is a mature hedge along the road frontage and around the cottage field. The field gate into the adjoining field is also part of the site.
- 1.4. To the south there is a small field (the subject of planning permission PD 17/38 for a dwelling) and further south a large two storey dwelling faces the road junction. On the opposite side of the L-1020-0 there are two two-storey houses of recent origin occupying large sites.

2.0 Proposed Development

- 2.1. The proposed development is the demolition of two cottages (floor area 52 sq m and 44.3 sq m) and the construction of 3 detached two storey houses each with a floor area of 268 sq m; and each with a garage of 32.5 sq m.
- 2.2. Access is proposed from an access road which will run west from the local road. The dwellings face towards the access road, which is indicated as being provided with a footpath and four lamp standards. It is proposed to connect the development to an existing foul sewer, which runs through the site and mains water supply which runs along the public road.

3.0 Planning Authority Decision

3.1. Decision

3.2. The planning authority decided to refuse permission for 3 reasons:

- 1) That it fails to appropriately reflect the existing pattern of residential development in the immediate area; infill development at a density and design appropriate.
- 2) That it is incapable of integrating into the setting, would be injurious to visual amenity, contravenes Boyle LAP and particularly policy 112, and 113.
- 3) That there is insufficient information in respect of storm water.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The planning report outlines the planning history and policy context.

- Roscommon County Development Plan 2014-2020:
 - Chapter 2 – 2.3 - settlement hierarchy in which Boyle is a tier 2 town.
 - Chapter 4 - Infrastructure and in particular: 4.1.3, 4.2, 4.3 and 4.3.2
 - Chapter 5 - housing
 - Chapter 9 - Development Management Guidelines and Standards and in particular 9.5 - Rural Siting and Design.

3.4. Variation No. 1 of the Boyle Local Area Plan 2015 – 2021

- EIA/AA - Lough Arrow SAC 001673 is approx 6km to the north, there will be no impact.
- Assessment
 - The applicant is a prospective purchaser.
 - The site is within the boundary of Boyle LAP, zoned existing residential.
 - Objectives for Existing Residential:

- Protect and enhance the residential amenities of existing and new residential communities and provide a high level of services within walking distances of residential developments.
- Provide for infill residential development at a density and design appropriate to the area and needs of the community.
- Provide for new and improved ancillary social and community services.
- Improve accessibility from these areas to town centres.
- Provide for appropriately scaled retail facilities, in addition to local community and social facilities, for the immediate community.
- Require the inclusion of appropriate open spaces in development in this zone.
- Principle – should provide for infill residential development at a density and design appropriate to the area and needs of the community. Existing pattern of development in the immediate area primarily comprises individual houses on relatively large sites. Proposal would be discordant.
- Road and Traffic – local road L-1020-0, a lightly trafficked section of Rockingham road which links Warren Road to the N4. Adequate sightlines are available.
- Concerns re. surface water
- Residential amenity – existing mature trees and vegetation – dwellings will not cause overlooking.
- Design and Visual – residential development should reflect the location and context, and density of adjoining properties. Should provide for infill at a density and design appropriate. Existing pattern of development is individual houses on large sites. Proposal is discordant.
- Applicant has failed to demonstrate how the proposed development will integrate satisfactorily with adjoining developments without loss of amenity.
- Chapter 8.2.4 - design statements showing high quality of design and layout are required.

- Dual frontage design should have been considered.
- Would contravene Roscommon CDP, and LAP policy 102 & 112.

3.4.1. **Other Technical Reports**

3.4.2. Housing Section – no objection. The issue of phasing in order to avoid part V needs to be considered.

3.4.3. Environment Section.

There is an open drain at this location however after approx. 60m this drain would appear to be piped. Applicant should be requested to inspect this piped section and calculate if this piped section is adequate to take the extra flow created. Conditions.

3.4.4. Municipal Area Boyle, Engineer – a significant stormwater catchment area flows through this area from Warren Road, Rockingham Road the R294 and surrounding lands. Submit proposed storm water design to take into account the existing open drain outfall network.

3.5. **Third Party Observations**

3.6. A third party observation on the file from John Cawley, includes:

- Site layout shows road for further housing development which is zoned agricultural Queries capacity of sewer, which has burst up the road at three locations just down from his home in the past few months.
- The drain pipe in front of his house was also inadequate in the past few months to take runoff and flooded to within 2 foot of observer's door.
- Loss of outlook.
- Ground condition is bog/marl, queries structural stability.
- Impact on ecology of the field.
- Gable facing the road in such a picturesque area, house should face the road.
- Houses on site should not be considered as residential, they are ruins.

- Any development on this site should be in keeping with low density high quality/value. residential properties in keeping with the area.

3.7. A third party observation on the file from Liam Mullaney, includes:

- Present sewerage system is unable to cope with current volumes. Serious health and safety issue which needs to be comprehensively dealt with by Roscommon County Council (RCC). Proposal will worsen the problem.
- Further planned development – from the layout. The area is zoned agricultural use.
- In future years this area is going to be rezoned residential, consideration should be given to access to green field properties.
- Surface water – drain is not capable of taking more volume. Neighbour's garden flooded twice last winter. Proposal will worsen problem.
- Long term sustainability – ground conditions bog/marsh. Structural stability.
- An ecology impact report should be required.
- The existing buildings are ruins.
- Maintaining standards – all bordering properties are high end houses on half an acre. This should be encouraged. High density would be a step back to mistakes of the past and not in keeping with the area in proximity to one of the entrances to Lough Key Forest Park.

4.0 Planning History

CE 229 certificate under Sec. 97

Adjoining to south:

PD/17/38 planning permission for a new two storey detached dwelling and garage.

Site given as 0.275 ha /0.679 ac.

PD 07 880 permission to construct 6 dwellings expiry date 10.10.2012 extension of duration granted for 5 years to 09.10.2017.

5.0 Policy Context

5.1. Development Plan

- 5.2. **Roscommon County Development Plan 2014-2020** is the operative plan.
- 5.3. The population projection indicates that 147 houses will be required in Boyle at a density of 20 per ha, which would require 11 ha.
- 5.4. Chapter 4 Development proposals must demonstrate adequate water conservation, water quality protection, and surface water run-off rate regulation measures to prevent the increase of flooding issues.

Chapter 5 Housing

Spatial planning aims and objectives seeking to direct residential development to designated settlements and promote high quality urban structure and design were undermined to an extent by development pressure for residential housing estates at the periphery of our towns and villages.

Roscommon County Council has taken the first step with regard to over-zoning of lands by reducing the amount of land zoned for residential development in our most recently adopted local area plans and the phasing of residential lands. This plan proposes the introduction of a 'Residential Reserve' of lands in addition to the 'New Residential' land use zoning objective (See Section 5.8.2), to replace the system of phasing the release of residential land used in the years immediately preceding this Plan period. A key force for change in the reversal of these negative trends and pressures will be the appropriate location of new residential development in a planned manner over the period of this County Development Plan.

Residential development located at greater and greater distances from where people work, go to school and shop leads to longer commuting distances and increased car travel which is not economically, socially or environmentally sustainable in the long-term. For this reason, the Council seeks to direct the majority of new residential development into the towns and villages that have adequate services to provide for them. In the larger towns of the County, land will be specifically zoned for residential development.

Policy 5.5 Ensure that new housing development in towns and villages is of appropriate scale, layout and quality design and that it relates to the character and form of the settlement.

5.5. Variation No. 1 of the Boyle Local Area Plan 2015 – 2021, is the operative Local Area Plan

5.6. At the beginning of 2015 there were approximately 189 vacant residential units within the LAP boundary.

The 2014 National Housing Development Survey (NHDS) identified 5 unfinished residential estates in the town.

Opportunities - 4.2.8 Residential Development

- Encourage the use / reuse of existing vacant residential units in the town as an alternative to new build.
- Encourage the completion of unfinished housing estates. In cases where this cannot be achieved seek to improve unfinished residential areas for the benefit of existing residents.

Strategic Aims for Boyle Town

13. Avoid urban sprawl on the edges of the town and maintain a clear distinction between the urban envelope and the rural hinterland.

Development Objectives for Boyle –

Objective 3 New residential development to be more centralised within the Plan area.

Housing strategy and residential development –

National guidance promotes the use of a ‘sequential approach’ in relation to the zoning and development of lands in urban areas in order to maximise the use of existing and future infrastructure, and to promote sustainability. The sequential approach specifies that zoning shall extend outwards from the centre of an urban area, with undeveloped lands closest to the core and on public transport routes being given preference (i.e. leapfrogging to more remote areas should be avoided). A strong emphasis should be placed on encouraging infill opportunities and the better use of under-utilised lands. Areas to be zoned shall be contiguous to existing

zoned development lands. The provision of water and sewerage investment by local authorities must also be related to the sequencing of residential lands and must also be integrated with the provision of public transport, schools, and community and leisure facilities.

In addition, the following objectives and principles of sustainable development must be considered:

- A reduction in the need for transportation and travel by promoting more centralised residential developments;
- A reduction in the extent of urban expansion and sprawl towards the rural environs of the Plan area which contributes towards dependency on the car for access to the town and places increased pressure on infrastructure provision to service these peripheral lands;
- The promotion of high quality residential development, thereby providing a more attractive investment option for both prospective investors and homeowners alike;
- The promotion of development on 'brownfield' sites thereby reducing the need for new development on 'greenfield' sites

The Boyle Local Area Plan 2012-2018 identified almost 27.5 hectares of land for residential development in the town - more than 2.5 times the amount of land needed to accommodate the population growth predicted up to 2021.

Preferred strategy 3)

Improvement of the urban environment and the overall character and appearance of the town centre by promoting the redevelopment and reuse of vacant and derelict residential, commercial and retail buildings in the town. Where appropriate the application of sequential tests to address the issue of brownfield over greenfield development. Prospective developers of new retail/commercial developments will be required to demonstrate that existing units are unavailable or easily adaptable within the town.

The identification of new residential development opportunities within the environs of the town centre and a move away from peripheral residential development. A focus on developing more central and high quality residential developments will provide more consolidated and attractive housing provision for prospective homeowners.

Objective 3 - New residential development to be more centralised within the Plan area the following objectives and principles of sustainable development must be considered:

- A reduction in the need for transportation and travel by promoting more centralised residential developments;
- A reduction in the extent of urban expansion and sprawl towards the rural environs of the Plan area which contributes towards dependency on the car for access to the town and places increased pressure on infrastructure provision to service these peripheral lands;
- The promotion of high quality residential development, thereby providing a more attractive investment option for both prospective investors and homeowners alike;
- The promotion of development on 'brownfield' sites thereby reducing the need for new development on 'greenfield' sites.

Policies for Urban Design and Residential Density:

Policy 112 - Ensure that a high standard of design is incorporated into residential developments through careful consideration of the layout to facilitate pedestrian safety and restrict vehicular traffic speeds.

Policy 113 - Ensure that developments are appropriately designed in terms of their form, density, size and dwelling types within residential areas, such that they contribute to the built character of the area.

8.2.4 Design Statement

A design statement accompanying development applications should include the following information:

1. An explanation of the design rationale.
2. Details of high quality architectural treatments.
3. Details of materials and finishes to be used in the scheme.
4. Details of the design approach to the provision of signage, including both information and commercial signage.

5. Proposals for the massing and height of the proposed units so as to ensure compatibility with existing nearby development and the existing scale of the urban fabric of the town.

6. Details as to how the proposed land use, layout and design of the development complies with the site's zoning and the objectives and proposals of the Local Area Plan.

The site is zoned 'ER Existing Residential' with the objective:

- Protect and enhance the residential amenities of existing and new residential communities and provide a high level of services within walking distances of residential developments.
- Provide for infill residential development at a density and design appropriate to the area and needs of the community.
- Provide for new and improved ancillary social and community services.
- Improve accessibility from these areas to town centres.
- Provide for appropriately scaled retail facilities, in addition to local community and social facilities, for the immediate community.
- Require the inclusion of appropriate open spaces in development in this zone.

5.7. Natural Heritage Designations

Lough Arrow SAC 001673 is located approx 6km to the north of the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. A first party appeal against the decision of the planning authority to refuse permission has been submitted by Ben McLoughlin, it includes:

- Reasons given for refusal development fails to appropriately reflect the existing pattern of residential development in the immediate area. The development is incapable of integrating into the setting in which it is proposed.

Insufficient information has been submitted in respect of storm water proposals.

- First party cannot see an existing pattern of residential in the immediate area.
- Map enclosed shows site facing road known as Maple Drive.
- The fields on each side of site are undeveloped.
- Further south there is a two storey house side gable to Maple Drive. Two detached two storey houses opposite. North four detached houses of varying type. Beyond are two housing estates. No pattern.

Integration – it is proposed to demolish two derelict houses and build three good quality houses. As the estates but smaller. First party doesn't understand how his proposal could be considered less integrated. He would if requested have faced the first house to Maple Drive and would have been open to other changes.

Storm water – first party proposes to dispose of storm water to an existing drain running along the front of the site. It flows to the north end of Maple Drive and into another drain and towards Lough Key. It is clear that there is a great fall towards north. He would have piped the drain along the front and cleaned the remainder of the open drain. There could be no problem with outfall. He would include rainwater storage recycling or a storm water attenuation system so that there would be no surge after heavy rainfall.

There are not many houses of the standard which had been proposed available for sale in the town at present. There is a shortage of houses available.

7.0 **Assessment**

- 7.1.1. The issues which arise in relation to this appeal are appropriate assessment, the principle of the development, the foul sewer, surface water drainage and other refusal reasons and the following assessment is dealt with under these headings.

7.2. **Appropriate Assessment**

- 7.2.1. Having regard to the nature and scale of the proposed development and nature of the receiving environment no Appropriate Assessment issues arise and 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.

7.3. **Principle of the Development**

- 7.4. It is clear that the Local Area Plan has considered the need to reduce the extent of urban expansion and sprawl, the level of vacancy in residential units within the LAP boundary (189 vacant units), and the excessive extent of former zoned lands. In adopting the Development Strategy 3 in Variation No. 1 of the Boyle Local Area Plan 2015 – 2021 as the preferred strategy, it notes positive implications of the strategy, including that identification of new residential development opportunities closer to the town centre and structured phasing of new residential development, outward from the town centre, would ensure that development occurs in a consolidated and sustainable manner.
- 7.5. The subject site is subject to the zoning 'existing residential', and in this regard it is to be noted that the vacant and semi-derelict building on the site comprises two cottages. New residential development in this location does not align with the policies and objectives of the LAP to develop the town sequentially from the centre outwards, to consolidate the urban form, and to reduce dependency on car travel. In my opinion, the scale of residential development which would be acceptable on this site would be replacement of the existing disused and semi-derelict cottages which have a combined floor area of 96.3 sqm (floor areas given as 52 sq m and 44.3 sq m). Therefore a single dwelling may be acceptable in principle.

7.6. **Foul Sewerage**

- 7.7. The proposal is to connect to the public sewer. An existing sewer is indicated as running along the proposed access road. Details of the existing sewerage network and its capacity have not been provided. Observers to the planning authority have queried the capacity of sewer, which they state has surcharged in the recent past. The reports from the Environment Section and the Municipal Area Boyle, Engineer

do not raise this as an issue. The capacity of the sewerage network is a matter which would need to be clarified before any development could be considered acceptable on this site.

7.8. Surface Water Drainage

7.9. Surface water drainage is referred to in reason No. 3 of the planning authority's decision:

Insufficient information has been submitted in respect of storm water proposals, particularly in order to demonstrate how the proposed storm water design has taken into account the existing open drain outfall network. In the absence of adequate proposals it is considered that the development may have the potential to give rise to localised flooding and may be prejudicial to public health.

7.10. Observers to the planning authority have referred to surface water issues, that the drain pipe is inadequate to take runoff and that the area has flooded in the past few months to within 2 feet of one observer's door.

7.11. The Environment Section report advises that information is required in relation to surface water, referring to an open drain which after approx. 60m appears to be piped, and that the applicant should be requested to inspect this piped section and calculate if it is adequate to take the extra flow created.

7.12. The report of the Municipal Area Engineer advises that a significant stormwater catchment area flows through this area from Warren Road, Rockingham Road the R294 and surrounding lands and that the applicant should be requested to submit proposed storm water design to take into account the existing open drain outfall network.

7.13. Detailed proposals for surface water disposal, demonstrating that the existing network has capacity to take the additional load would need to be available before any development could be considered acceptable on this site.

7.14. **Other Refusal Reasons**

7.15. Reasons 1 and 2 of the decision refer to the existing pattern of residential development and that the density concept and design features are incapable of integrating into the setting and in particular they refer to policies 112 and 113 of the LAP.

Policy 112 states:

Ensure that a high standard of design is incorporated into residential developments through careful consideration of the layout to facilitate pedestrian safety and restrict vehicular traffic speeds.

Policy 113 states:

Ensure that developments are appropriately designed in terms of their form, density, size and dwelling types within residential areas, such that they contribute to the built character of the area.

7.16. The first party cannot see an existing residential pattern in the immediate area and states that the proposal is to build three good quality houses laid out as the estates but smaller.

7.17. In my opinion it is the principle of residential development which is at issue in this case not the form. The development which has taken place in this area to date is similar to one off rural housing although serviced by public sewer. To seek to replicate that form of development would be to continue a pattern of low density, car-dependent development which fails to make the best use of public services or to consolidate the urban form and support the growth of the town; a fundamentally unsustainable pattern of development; and identified as such in the policies and objectives of the LAP.

8.0 **Recommendation**

8.1.1. In the light of the above assessment, I recommend that planning permission be refused for the following reasons and considerations.

9.0 Reasons and Considerations

The Roscommon County Development Plan 2014-2020 seeks to reverse negative trends and pressures including increased car travel demand from housing located at greater and greater distances from town centres and has determined that the appropriate location of new residential development, should be plan led based on the sequential approach to zoning, extending outwards from the centre of the urban area, notwithstanding the established residential zoning the proposed development of three large dwellings would increase the scale of residential use where currently established residential development is of very limited scale, would tend to increase the demand for services and dependency on car travel and would accordingly be contrary to the proper planning and sustainable development of the area.

Planning Inspector

18th October 2017

Appendices

- 1 Photographs
- 2 Extracts from Roscommon County Development Plan 2014-2020
- 3 Extracts from Variation No. 1 of the Boyle Local Area Plan 2015 – 2021