



An
Bord
Pleanála

Inspector's Report PL03.249071

Development	Construction of a bungalow with new and relocated vehicular entrances
Location	6 Woodlawn, Loughvella, Lahinch Road, Ennis, County Clare
Planning Authority	Clare County Council
Planning Authority Reg. Ref.	P17/416
Applicant(s)	Fintan & Kathleen Malony
Type of Application	Appeal
Planning Authority Decision	Refuse permission
Type of Appeal	First v Refusal
Appellant(s)	Fintan & Kathleen Malony
Observer(s)	None
Date of Site Inspection	3 rd November 2017
Inspector	Karla Mc Bride

1.0 Site Location and Description

- 1.1. The appeal site is located off the Lahinch Road in Ennis County Clare and the surrounding area is residential in character. The site is located along a cul-de-sac which mainly comprises detached bungalows and houses on large plots. The site is located to the rear section of the long rear garden of an existing house. It is bound on all sides by the rear gardens of neighbouring houses and the site boundaries are defined by hedges, walls and fences.
- 1.2. Photographs and maps in Appendix 1 describe this relationship in more detail.

2.0 Proposed Development

- 2.1. Planning permission is being sought to construct a house in the rear garden of an existing house:
 - The proposed c.140sq.m. house would occupy a c. 0.16ha site.
 - The proposed house would be c.17.5m wide, c. 9m deep and 6.5m high.
 - Relocate the existing vehicular access to the existing house off Woodlawn.
 - Provide a new vehicular access off Woodlawn along with a new driveway to the side of the existing house.
 - New connections to public services.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse planning permission for 1 reason:

The proposed development, located to the rear of existing housing would, by itself and the precedent it would set for similar development, constitute un-coordinated and disorderly backland development which would be out of character with the surrounding pattern of development and would fail to co-

ordinate with adjoining similarly zoned lands. In addition, the proposal by reason of its siting and means of access alongside other dwellings would seriously injure the residential amenities of the area. The proposed development would therefore be injurious to the amenities of the area, and depreciate the value of property in the vicinity, and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

The report of the Planning Officer recommended the refusal of planning permission.

3.2.2. Other Technical Reports:

None received.

3.2.3. Submissions:

None received.

4.0 Planning History

Reg. Ref. 13/21004: Permission granted for an extension to the existing house.

Reg. Ref. 07/21046: Permission granted for a house in the rear garden of no.9 with vehicular access via a turning bay off a cul-de-sac to at Shantalla Estate to the rear.

5.0 Policy Context

5.1. Clare County Development Plan 2017-2023

The site is located within an area zoned for Existing Residential which seeks:

- To conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small scale infill development which is appropriate to the character and pattern of development in the immediate area and uses that enhance existing residential communities. Existing

residential zoned land may also provide for small-scale home-based employment uses where the primary residential use will be maintained.

5.2. **Natural Heritage Designations**

The following European sites are located within a 15km radius:

- Lower River Shannon SAC
- River Shannon & Fergus Estuaries SPA

6.0 **The Appeal**

6.1. **Grounds of First Party Appeal**

- Permission was previously granted for 2-storey houses to the rear of two existing houses in Woodlawn that had similarly large rear gardens, No. 9 had access of Shantalla and no.11 had access off Woodlawn.
- Only 5 of the 40 houses in Woodlawn have gardens large enough to accommodate a house and the character of the area is not low density.
- Proposed single storey house would not be visually obtrusive.
- Precedent has already been set & the proposal would not be out of character.
- Proposed and relocated entrances would not injure residential amenity as separation distances are adequate.
- No adverse impacts on residential amenity or property values and no objections received from local residents.
- Permission previously granted for a new entrance off Woodlawn at no.11 opposite the appeal site (0044/34, 04/35 & 05/65)
- The planning officer conceded that there would be no issues related to traffic, public health, flood risk or overlooking.
- Proposed house would be occupied by the appellant's daughter and family.

6.2. **Planning Authority Response**

- The circumstances of the proposed development are not comparable with the developments at no.9 and no.11 Woodlawn.
- The house to the rear of no.9 is accessed from the estate to the S and did not require the creation of a driveway along the side of the existing house.
- The houses at no.11 were granted permission under the Rural Settlement Location Policy which applied to the area at the time of the decision (Ennis & Environs Development Plan 2003) and the position of the houses was determined by the configuration of the landholding which explains the alignment of the driveway.

6.3. **Observations & Prescribed Bodies**

No submissions received.

7.0 Assessment

The main issues arising in this case are:

- Principle of development
- Visual & residential amenity
- Back land development & precedent
- Other issues

7.1. Principle of development

The site is located within an area zoned for Existing Residential use in the current Development Plan which seeks to conserve and enhance the quality and character of the areas, to protect residential amenities and to allow for small scale infill development which is appropriate to the character and pattern of development in the immediate area. The proposed development would be acceptable in principle subject to compliance with other Development plan policies and standards in relation to residential amenity, vehicular access and environmental services.

7.2. Visual and residential amenity

Design and layout:

The proposed single storey house would be located in the c.100m long rear garden of an existing bungalow and it would be separated from the existing house by a distance of c.46m. It would be set back from the site boundaries with the neighbouring rear gardens at no.5 and no.7 by c. 8m and 3m respectively, and by c.42m from the rear garden boundaries of the neighbouring houses to the rear at Shantalla. The proposed c.140sq.m. 3-bed house would be approximately 17.5m wide, 9m deep and 6.5m high, and it would have a render finish with a slated roof with roof lights. The general design, external finishes and separation distances are considered acceptable in terms of visual amenity.

Residential amenity:

The proposed house would provide for an acceptable level of residential amenity in relation to floor area, room size, storage and daylight/sunlight, and the private amenity space would exceed c.650sq.m.

The existing and proposed houses would be separated by a distance of c.46m and the proposed house would not overlook or overshadow the existing house. The existing house would also retain a rear garden area in excess of 1000sq.m which is acceptable in terms of residential amenity.

The proposed house would be set back a substantial distance from the rear elevations of the neighbouring houses to the NW, NE, E and SE. The neighbouring houses would not be overshadowed or overlooked and the proposed house would not be overbearing or visually obtrusive when viewed from these properties. The proposed house would not seriously injure the amenities of neighbouring properties to any significant extent.

The proposed c.70m long driveway would be located in between the existing house at no.6 and the neighbouring house at no.5 and it would run parallel to the site boundary with the neighbouring house for a distance of c.70m. The proposed driveway would be set back c.4m from the side elevation of the existing house and c.9m from the side elevation of the neighbouring house. The separation distance with the existing and neighbouring houses is considered acceptable in terms of residential amenity.

7.3. Back land development and precedent

The proposed development would be located within an area that is mainly characterised by bungalows on large plots, some of which have long rear gardens in excess of 100m, and all of the houses have front gardens with driveways. However, it is noted that there is no independent rear access to either the appeal site or the neighbouring rear gardens. The applicant proposes to provide access to the proposed house via a new entrance off Woodlawn along the front garden boundary, and a new driveway which would be located between the existing house at no.6 and

the neighbouring house at no.5. The proposed c. 2.4m to c.4.4m wide driveway would run parallel to the site boundary with the neighbouring house at no.5 for a distance of c. 70m. The existing vehicular entrance would be relocated further SW whilst the new entrance would be located to the NE.

Notwithstanding that the overall site has the capacity to accommodate an additional house, that the design and layout of the proposed house is acceptable, and that the house would not have an adverse impact on the residential amenities of neighbouring houses, the absence of a separate independent access to the site is a cause for concern. Although house nos. 5, 6, 7 and 8 all have long rear gardens which are between c.65 and c.100m, they all back onto the existing houses at the Shantalla estate to the SE and none of them have a rear access. Several other houses in the Woodlawn estate also have large rear gardens but no rear access.

Having regard to the pattern and character of development in the area, and in the absence of an independent access to the site, the proposed development would constitute haphazard and un-coordinated back land development. It would set an undesirable precedent for similar rear garden development in the surrounding area, which would, in turn give rise to a proliferation of vehicular access points off the estate road at Woodlawn. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

The previously permitted cases cited by the applicant are noted. However, I would concur with the planning authority's assertion that the circumstances are different in this case. The vehicular access to the house permitted to the rear of no.9 Woodlawn is via the Shantalla estate to the rear SE and the development to the rear of no.11 to the NW was assessed and permitted under the rural dwelling provisions of a previous Development Plan for the area.

The appellants submit that proposed house would be occupied by their daughter and her family however the impact of the proposed development and the precedent that it would set would be the same irrespective of ownership. However, the Board may wish to address this matter by restricting the use of the proposed house to family members only and by omitting the proposed access arrangements and driveway.

7.4. Other issues

Appropriate assessment: proposal would not have a direct link to a European Site.

Environmental services: proposed arrangements are acceptable subject to compliance with the requirements of Irish Water and the planning authority.

Road & traffic: proposal would not give rise to a traffic hazard.

Financial contribution: standard conditions should be applied in accordance with the Council's Section 48 Scheme in the event that permission is granted.

8.0 Recommendation

Arising from my assessment of the appeal case I recommend that planning permission should be refused for the proposed development for the reasons and considerations set down below.

9.0 Reasons and Considerations

1. The proposed development, which would be located to the rear of an existing house on a site which does not have a separate or independent means of access, would constitute haphazard, un-coordinated and disorderly back land development that would fail to co-ordinate with adjoining similarly zoned lands. Furthermore, the proposed development would set an undesirable precedent for similar further developments in the area, which would in turn, give rise to a proliferation of vehicular entrances off the Woodlawn estate road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karla Mc Bride
Senior Planning Inspector
21st November 2017

