



An
Bord
Pleanála

Inspector's Report ABP-300094-17

Development	Two-storey semi-detached dwelling
Location	Hanly Avenue, Boyle, Co. Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	17352
Applicant(s)	Maureen and Francis Geelan
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Maureen and Francis Geelan
Observer(s)	None
Date of Site Inspection	6 th February 2018
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located in a well-established residential area, southeast of the town centre of Boyle, Co. Roscommon. The site is located on the eastern side of Hanly Avenue, which is characterised by two storey semi-detached dwellings. This street rises up from north to south, with the subject site located at the high point/top of the street. To the south of the site is the Mullingar-Sligo railway line. To the north of the site is an existing dwelling, to the east is the cul-de-sac of the street parallel to Hanly Avenue.
- 1.2. The site, which has a stated area of 0.32ha, comprises the side garden of an existing two storey semi-detached dwelling, with an existing detached shed to the side and rear.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Semi-detached two storey dwelling, with single storey rear return and attached shed. The dwelling is adjoined to the existing dwelling at first floor level and comprises a passageway under this to be utilised by both dwellings for access to the rear.
 - The floor area of the new build is stated to be 121sqm and the outbuilding is stated to be 7sqm.

3.0 Planning Authority Decision

3.1. Decision

Refused for two reasons:

1. The proposed development on an incidental piece of land between a formal residential property boundary and a railway embankment, fails to appropriately reflect the existing pattern of residential development in the immediate area. The development would form an obtrusive feature in the landscape, would be injurious to the visual amenity and landscape character

of the area and would set a precedent for other similarly inappropriate developments in the urban area. The proposed development would therefore be contrary to the provisions of the Roscommon County Development Plan 2014-2020 and the Boyle Local Area Plan 2015-2021 and be contrary to the proper planning and sustainable development of the area.

2. The proposed development by reason of the proposed site layout and overall design concept is incapable of integrating into the setting in which it is proposed. The proposed development would contravene the 'Boyle Local Area Plan 2015-2021', particularly Policy 113 which seeks to 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 and Policy 114 which requires high quality in the design of buildings, and promotes the development of buildings that integrate well and complement surrounding buildings and landscapes. The proposed development 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 Planning Officer's report generally reflects the decision of the Planning Authority. The following is of note:

- While the majority of the site is unzoned, it has been considered in the context of the Existing Residential zoned lands.
- Hanly Avenue comprises semi-detached dwellings. The proposal will result in a terrace of three dwellings which would be discordant with the existing pattern in the immediate area.
- The Planning Authority does not consider the site a feasible infill site for residential use and it was not zoned accordingly.
- The proposal would result in a loss of visual amenity.

- The proposed development does not represent a high quality design or layout and would therefore contravene the Roscommon County Development Plan and Boyle Local Area Plan.

3.2.2. **Other Technical Reports**

Environment Section: Report states the site was sold by Roscommon County Council to the applicant and was considered waste ground. It is noted that a rear entrance and boundary walls have been constructed and would appear to be unauthorised. The report states the proposal is overdevelopment of the site and recommends refusal.

3.3. **Prescribed Bodies**

Iarnrod Eireann: No objection subject to conditions.

Commission for Railway Regulation: Consultation with Iarnrod Eireann is required.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

None.

5.0 **Policy Context**

5.1. **Roscommon County Development Plan 2014-2020**

Chapter 9: Development Management Guidelines and Standards.

5.2. **Boyle Local Area Plan 2015-2021**

Chapter 8: Development Management Guidelines and Standards.

Section 8.3.5: Infill Developments

5.3. Natural Heritage Designations

The site is not located within or adjacent to any Natura 2000 sites.

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed infill dwelling is consistent with provisions of the County Development Plan and Boyle Local Area Plan.
- The site was waste ground, but has been cleared by the applicant and is now a fully serviced site in an existing residential area.
- The Planner's Report is too narrow in its examination of the pattern of development in the area. There are terraced properties in proximity to the site.
- The site is not a visually prominent location and the proposal would not be seriously injurious to the character of the area.
- The site would not be visually obtrusive in the landscape. The existing landscape is an existing housing development. The proposed house has the same building line and ridgeline. The front elevation mirrors all the existing characteristics of the existing dwelling. There is adequate functional space at the front and rear of the property without being injurious to the adjoining property.
- The layout and design could be altered to reduce or remove the passageway from the design, should this be more in keeping with the requirements of the Planning Authority.
- The use of infill sites are positively encouraged under the policies of the development plan. The applicants efforts to reclaim the land subject of this application is positive from an environmental, sustainable and logical point of view, providing much needed additional accommodation within the town envelope and within walking distance to schools, shops and other local services.

6.2. Planning Authority Response

None.

6.3. Observations

None.

6.4. Further Responses

None.

6.5. Prescribed Bodies

Iarnrod Eireann: No objection subject to condition.

7.0 Assessment

Zoning

- 7.1. The subject site is located partly within the zoning 'Existing Residential' in the Boyle Local Area Plan 2015-2021, with the majority of the site unzoned. The lands appear to be residual land between the existing dwelling and the railway embankment. Whilst the majority of the site is unzoned, the site is part of an existing residential development and therefore I consider it reasonable to assess the development in terms of the potential impacts on the immediate area and adjoining zoning objective.
- 7.2. The objectives of 'Existing Residential' within the Boyle Local Area Plan 2015-2021 are as follows:

- 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.

7.3. The primary issue for assessment relates to design and impact on visual amenity.

Design & impact on visual amenity

- 7.4. The Planning Authority notes that Hanly Avenue comprises semi-detached dwellings. The proposal will result in a terrace of three dwellings which would be discordant with the existing pattern in the immediate area. The proposed development was refused on the basis that it would fail to reflect the existing pattern of residential development, would form an obtrusive feature in the landscape and would be injurious to the visual amenity and landscape character of the area. The proposed development fails in achieving a high quality in the design of buildings, and would not integrate well and complement surrounding buildings and landscapes.
- 7.5. The grounds of appeal highlights the development plan for the area supports infill development. The proposal in terms of design and scale is considered consistent with the existing residential estate. It is noted that there are existing terraces in the area. The development meets standards in terms of open space and room sizes.
- 7.6. The proposed semi-detached dwelling is located in the side garden of 18 Hanly Avenue. I note from site inspection that this side garden area has recently been cleared, following purchase of this area by the owner of no. 18 from the County Council. This area was previously waste ground alongside the railway line. Iarnrod Eireann has no objection to the development.
- 7.7. The proposed dwelling is attached to no. 18 at first floor level with a shared passageway at ground level between the two dwellings. The proposed dwelling will follow the main building line to the front and rear of the existing dwelling at no. 18 and will also have the same ridgeline. The proposed shared passageway provided at ground level is not typical of this street, however I note that it is a design feature which occurs within a section of this estate where there are longer rows of terraced dwellings. From a design perspective, the dwelling could have been designed as a detached property without such a passageway and the body of the two storey element increased in depth to accommodate an additional bedroom, however, in my

opinion, the overall design as proposed and the creation of a terrace at this location would not result in an visually obtrusive insertion in this streetscape and the design will integrate well within the existing streetscape. The proposal is not located at a visually prominent location and would integrate well with existing dwelling. The proposal is overall considered to be acceptable in design, form and scale.

Other Matters

- 7.8. The applicant proposes a separate entrance for the new dwelling from the front of the site/Hanly Avenue, which is considered acceptable. A rear entrance gate is also indicated on the site plan, which exists on site. This entrance gate appears to form part of this application as it is indicated on the plans as 'gate'. I do not consider it appropriate that a rear vehicular entrance be provided to the rear garden of the site. The rear garden area should be maintained as a private amenity space, with no provision for vehicular parking, in the interests of residential amenity of future occupants and also of neighbouring properties. Should the Board be minded to grant permission, a condition to omit this gate should be attached.
- 7.9. Iarnrod Eireann has no objection to the proposed development subject to conditions, some of which are general in nature and relate to construction practice. It is indicated that Iarnrod Eireann typically requests a suitable boundary treatment to be installed. Where children play, a 2.4m high boundary block wall should be erected along the entire length of the developers' side of the existing railway boundary line and no development should take place within 2m of the boundary with the railway. I am satisfied that should standard construction practices be followed, the proposed development does not present a hazard to the railway line, which is located approx. 11m from the existing boundary of the site (which is stated by the applicant was constructed under exempt development regulations). While the proposed dwelling is located at the boundary wall and not 2m from it, Iarnrod Eireann has overall stated no objection to the proposed dwelling and I therefore consider the distance between the proposed dwelling and railway line to be acceptable from a safety perspective.

Appropriate Assessment

- 7.10. Having regard to the minor nature of the development, its location in a serviced urban area, and the separation distance to any European site, 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.

8.0 Recommendation

8.1. It is recommended that permission be granted.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Roscommon County Development Plan 2014-2020 and the Boyle Local Area Plan 2015-2021, and the existing pattern of development in the area, in addition to the nature and scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the area. 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, 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 proposed development shall be amended as follows:
 - (a) The rear/eastern vehicular entrance gate shall be omitted from the development and replaced with a block boundary wall.

Revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. The external finishes of the proposed extension (including roof tiles/slates) shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

4. 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.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 residential amenities of property in the vicinity.

6. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets 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 interest of orderly development.

7. 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.

Una O'Neill
Senior Planning Inspector

13th February 2018