



An
Bord
Pleanála

Inspector's Report ABP-300280-17

Development	Retention of a two storey extension to rear of dwelling
Location	47 Holborn Street, Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	P16/447
Applicant(s)	Yvonne Donlon
Type of Application	Permission for RETENTION
Planning Authority Decision	GRANT subject to condition
Type of Appeal	Third Party
Appellant(s)	Charlie Martin
Observer(s)	None
Date of Site Inspection	15/03/18
Inspector	John Desmond

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1.0 Site Location and Description

- 1.1. The application relates to a two-storey mid-terraced dwelling located c.45m north of the city centre land use zone, on the northern side of Sligo town. The site has a stated area of 0.011ha and the dwelling a gross floor area of 46-sq.m, excluding a 2-storey rear extension of 34-sq.m subject of the application for retention.
- 1.2. The dwelling directly abuts Holborn Street. The rear garden, which is indicated as extending for 11m beyond the rear extension, and rises steeply over a set of three terraces to the east. It is bound by high walls of concrete block on each side.
- 1.3. The adjacent site to the south has been developed in recent years for a substantial mixed-use development, with residential units on up to three floors above ground from commercial. The adjacent terraced dwellings to the north are all similar to that on the application site, although the neighbouring dwelling has a commercial ground floor unit (apparently vacant).

2.0 Proposed Development

- 2.1. It is proposed to **RETAIN** a two-storey rear extension of 34-sq.m stated GFA.

3.0 Planning Authority Decision

3.1. Decision

To **GRANT** permission subject to 1no. standard condition.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first report of the Planning Officer (12/01/17) is consistent with the decision of the Planning Authority to seek further information on two points concerning possible impingement on an Irish Water sewer and errors on and the incorrect labelling of

elevation drawings. Note: The Planning Officer consented (12/07/17) to a three-month extension for response to the further information request.

The second report of the Planning Officer (31/10/17) is consistent with the decision of the Planning Authority to GRANT permission subject to 1 no. standard condition.

3.2.2. Other Technical Reports

Engineering Section (23/01/17) – No roads issues.

3.3. Prescribed Bodies

Irish Water (07/12/17) – Possible impingement on an IW sewer should be addressed by further information.

3.4. Third Party Observations

Observations were received from Charles Martin

4.0 Planning History

No relevant planning history.

5.0 Policy Context

5.1. Development Plan

Sligo and Environs Development Plan (SEDP) 2010-2016 (as incorporated into the Sligo County Development Plan 2017-2023, under section 3.5.1, pending the adoption of an LAP to cover the period 2018-2024).

Zoning – C2 commercial and mixed land uses objective: Promote the development of a mix of uses centred on retail, office space, high-density housing, high-amenity open space and compatible uses.

5.2. Natural Heritage Designations

Cummeen Strand / Drumcliff Bay (Sligo Bay) SAC 000627 c.45m to the west.

Cummeen Strand SPA 004035 c.346m to the northwest.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of the third-party appeal by Charlie Martin c/o F. Davitt Planning & Structural Design Engineers.

Impact on integrity of no.48:

- The failure to leave 300mm separation distance between the extension and the neighbouring property no.48 creates building regulation, structural and land registry issues.
- Drawing – section @ Holborn St (drawing no.001) – purports to illustrate the location of the structure subject of this appeal relative to that on no.48, both inclusive of foundations.
- Up to 30% of neighbouring foundation would have to have been removed to construct the development and could lead to structural failure of the said neighbouring structure.
- The applicant's FI drawing does not show the neighbouring foundations in section, but shows the extension's foundations extending underneath no.48.
- Photo no.1 shows the situation at the boundary with no.48 and Photo no.3 shows that with no.46 which is stepped back.
- Excavations for the extension would have undermined the neighbouring foundations and were carried out without consent or underpinning or structural stabilisation. Proposals for stabilisation of the exposed sections of the adjoining building's foundations, etc., is needed as part of the planning criteria.
- The development has reduced the cover of the foundations to no.48 rendering them non-compliant with building regulations and prone to frost damage. Proposals for remedial works are required as part of the planning criteria.
- The FFL of the extension is lower than that at no.48 leaving no.48 prone to subsidence. A proposal for remedy is needed as part of the planning criteria.

Devaluation of no.48:

- Overhanging of fascia and soffit onto no.48 impedes future development potential at first floor level and devalues that property (Photos 1 & 2 refer).
- No commencement notice issued, leaving the construction non-compliant with building regulations.

Creates undesirable precedent.

6.2. Applicant Response

The main points of the applicant's response may be summarised as follows:

- Refutes the section drawing submitted by the appellant as unsubstantiated.
- A raft type foundation was used which abutted the foundation to no.48 and which was not compromised in any way but was reinforced by an external reinforced raft ground beam and the carrying out of same was supervised by a qualified engineering technician.
- Alleges the developer at no.48 did at some stage enter into the applicant's property, excavate a foundation and construct a boundary wall. The foundation size and workmanship of same is unknown and would always have been treated with caution.
- The extension has been built within the curtilage of the applicant's property and complies with all relevant requirements.
- There is precedent for similar extensions to terraced dwellings locally.

6.3. Planning Authority Response

The Board's attention is directed to the Planner's Reports.

7.0 Assessment

The issues arising under this appeal may be addressed under the following headings:

7.1 Policy / principle

- 7.2 Impact on residential amenities
- 7.3 Impact on neighbouring structure
- 7.4 Appropriate Assessment

7.1. Policy / principle

- 7.1.1. The principle of extending the original residential dwelling house, to the rear, is acceptable within the land use zoning and the site context within Sligo town.

7.2. Impact on residential amenities

- 7.2.1. The development proposed for retention does not seriously injure the amenities of residential property in the vicinity by way overlooking, overshadowing or visual intrusion.

7.3. Impact on neighbouring structure

- 7.3.1. The main issue of concern for the third party is the possible impact on the structural integrity of the existing structure located on the neighbouring property, no.48 Holborn Street through undermining and / or removing and / or exposing the existing foundations of that structure.
- 7.3.2. The first party disputes the appellant's position and the section drawing submitted by the appellant as unsubstantiated. It is submitted that a raft type foundation was used which abuts the foundation to no.48; that the foundation of the neighbouring structure was not compromised in any way but was reinforced by an external reinforced raft ground beam and that the carrying out of same was supervised by a qualified engineering technician. It is also asserted that the subject extension has been built within the curtilage of the applicant's property and complies with all relevant requirements and that there is precedent for similar extensions to terraced dwellings locally. As these works are located subsurface it is not possible to confirm either party's positions.
- 7.3.3. The appellant also raised the issue of encroachment of the fascia and soffit overhanging no.48 devalues that property by impeding potential first floor extension on that property.

7.3.4. These issues are civil matters between the parties concerned. I would draw the Board's attention to section 34(13) of the Planning and Development Regulations 2001, as amended, which states:

'A person shall not be entitled solely by reason of a permission under his section to carry out any development.'

7.4. **Appropriate Assessment**

7.4.1. Having regard to the small-scale nature of the development proposed for retention, which is located within a built-up area of Sligo town, it is not considered that the proposed development would be likely to have a significant effect, directly or indirectly, individually or in combination with other plans or projects on any European site. I consider no Appropriate Assessment issues to arise.

8.0 **Recommendation**

8.1. I recommend that permission be **GRANTED** for the retention of the development subject to the conditions under section 10.0.

9.0 **Reasons and Considerations**

Having regard to the site context within the built-up area of Sligo town, to the land use zoning objective (C2 commercial and mixed land uses) to promote the development of a mix of uses centred on retail, office space, high-density housing, high-amenity open space and compatible uses, and to the nature and scale of the residential extension proposed for retention, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity and is 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, as amended by the further plans and particulars submitted on the 13th day of November 2017, 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.

John Desmond
Senior Planning Inspector

28th March 2018