



An
Bord
Pleanála

Inspector's Report ABP-301054-18

Development	The demolition of existing two-storey annex, the construction of a new two storey detached dwelling, connection to mains foul, storm systems together with mains water connection, the construction of new boundary walls, piers and gates and all associated site works.
Location	1 New Terrace, Monaghan, Co. Monaghan.
Planning Authority	Monaghan County Council
Planning Authority Reg. Ref.	17/392
Applicant(s)	Noel Cravens
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Shane McCann
Observer(s)	None
Date of Site Inspection	12 th June 2018
Inspector	Niall Haverty

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.02ha, is located at a corner site at New Terrace, to the north of Monaghan Town. The site is rectangular in shape and it currently accommodates the side garden and what is described as an annex to the existing end-of-terrace house to the north east (No. 1 New Terrace).
- 1.2. The terrace of four houses to the north east are two storey redbrick houses with slate roofs, which appear to date from the early 20th century. The existing annex on the appeal site is a two storey redbrick structure with a flat roof which is set back c. 2.6m from the building line of the terrace. It has its own front door and windows on the front (east) and side (south) elevations, and no windows to the rear (west) elevation.
- 1.3. The appeal site is bounded by redbrick walls to the east, hedging to the south and a c. 1.2m high blockwork wall to the west. The rear garden of the mid-terrace house adjoining the house belonging to the applicant (i.e. No. 2 New Terrace) is L-shaped and extends behind (i.e. west of) the appeal site. A path to the south of the appeal site also provides access to the rear garden area of No. 2 New Terrace.
- 1.4. The existing house and its annex appear unoccupied, with the garden area overgrown and unkempt.

2.0 Proposed Development

- 2.1. The proposed development, as amended following a request for further information, consists of the demolition of the existing two-storey annex and the construction of a two-storey detached dwelling with associated car parking and boundary treatments.
- 2.2. The proposed house has three bedrooms, a projecting gable fronted two storey element and a hipped roof. The proposed finishes comprise redbrick to all elevations with a slate roof. It has a gross floor area of 120.64 sq m and a maximum ridge height of 8.6m. The annex to be demolished has a stated floor area of 63.04 sq m.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Monaghan County Council decided to grant permission. The following summarised conditions are noted:

- C3: Detailed requirements for entrance and visibility splays.
- C5: Waste management plan.

3.2. Planning Authority Reports

3.2.1. The Planning Officer's reports can be summarised as follows:

- Site does not constitute a protected structure, and whilst it is located within close proximity to Belgium Park and Square Architectural Conservation Area, it is not located within same.
- Terraces of red brick houses located either side of the entrance to Belgium Square are not protected and are not on the NIAH.
- Existing flat roof annex is out of character with surrounding development. An element of planning gain would be achieved through the sympathetic redevelopment of the site.
- Applicant has maintained the building line, however concerns are raised with respect to the detached nature of the proposed development.
- The concerns of the objector with respect to overlooking are noted, however the existing house at 1 New Terrace has rear windows at first and second level.
- External amenity space for the proposed dwelling is limited. This reflects the existing pattern of the adjoining development and there are no stipulated standards for single dwellings. An existing football pitch and playground are located to the south west.
- Stage 2 Appropriate Assessment is not required.

- The proposed dwelling will be set back slightly from the main building line and the impact when viewed from the north eastern approach will not be overly apparent.
- It is considered preferable to construct a detached dwelling as opposed to trying to continue on the terrace of dwellings.
- Replacing the current flat roof structure with the proposed development will be aesthetically pleasing.
- The redesign of the dwelling has increased open space from 70 sq m to 85 sq m.
- Planning Authority is satisfied that the proposed development will not lead to issues of overlooking.
- Two car parking spaces are proposed which satisfies the requirements of the Plan.
- The location of the detached property on 'Existing Residential' zoned lands is acceptable and will help to secure objective SSO8, which seeks to promote the towns as residential, employment, retail and service centres.

3.3. Other Technical Reports

- 3.3.1. Water Services Section: No objection, subject to conditions.
- 3.3.2. Municipal District Office: No objection, subject to conditions.
- 3.3.3. Environmental Technician: No objection, subject to condition.

3.4. Prescribed Bodies

- 3.4.1. Irish Water: No objection.

3.5. Third Party Observations

- 3.5.1. Third party observations were made by Shane McCann at application stage and following receipt of further information. The issues raised were generally as per his appeal.

4.0 Planning History

4.1 Appeal Site

4.1.1. I am not aware of any planning history at the appeal site.

4.2 Surrounding Area

4.2.1. **PL18.248053 (Reg. Ref. 16/374)**: Permission granted in 2017 for 10 No. houses and 6 No. apartments on a site to the south of the appeal site.

5.0 Policy Context

5.1 Monaghan County Development Plan 2013-2019

5.1.1. The site is governed by the policies and provisions contained in the Monaghan County Development Plan 2013-2019 and is zoned 'Existing Residential'. It is an objective of the Planning Authority to ensure that any proposals for development in existing residential areas are in keeping with the established built character and do not adversely impact upon the amenity of existing residential properties.

5.1.2. The following Strategic Objectives are noted:

- SSO1: Develop the town and its immediate environs as a hub in accordance with the policies of the National Spatial Strategy and the Regional Planning Guidelines, with the aim of achieving a population of 9,000 by 2020, by co-operating with the region's gateway and adjoining development centres, and by servicing the county.
- SSO17: Promote sustainable compact development forms, including more comprehensive backlands development of the towns and villages, where appropriate and promote the efficient use of available public infrastructure and services.
- SSO25: Encourage appropriate development on infill sites, derelict sites, vacant plots, brownfield sites and backlands.

- 5.1.3. Urban Residential Development Objectives UDO1 – UDO8 and Housing Development Objectives HDP1 – HDP16 are also of relevance.
- 5.1.4. The residential area to the west of the appeal site is known as Belgium Square, or Belgian Square, parts of which are designated as an Architectural Conservation Area, and which includes a number of protected structures. The appeal site is not within the ACA.

5.2. Natural Heritage Designations

- 5.2.1. The only Natura 2000 designated site within 15km of the appeal site is Slieve Beagh SPA (Site Code 004167), which is located c. 10km to the north west. The special conservation interest for this SPA is the Hen Harrier, *circus cyaneus*.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third party appeal was lodged by Mr Shane McCann who resides at No. 2 New Terrace. The issues raised in the appeal can be summarised as follows:
- Proposed development will block sunlight into appellant's back garden. His garden area is 50 sq m, and the development will block sunlight until after 12:00.
 - The proportions of the house go higher and further south than the existing extension to be demolished.
 - Unlike the existing extension, the proposed development has windows directly overlooking appellant's garden amenity space. These windows would impact on privacy and enjoyment of the amenity.
 - Although revised plans have less windows than the initial plan, it still has windows looking into his garden. Windows also overlook his garden path.
 - The Council reduced the height of the wall beside his garden path to give more vision to traffic on the corner. Presumably a fence couldn't be built to prevent overlooking of the path.

- Proposed driveway would move closer to the corner than the existing driveway.
- Proposed development would greatly impact the architectural symmetrical design of two red brick terraces of four houses each, either side of the entrance to Belgian Square.
- The stone-built houses in Belgian Square date from 1914 at the same time as the older military barracks was converted for housing. New Terrace was built in 1923 to complement this housing plan.
- The existing extension was built before the 1960s and was not subject to planning regulations.
- The statement that the property is derelict is not a planning issue. It was allowed to become derelict since the applicant purchased it five years ago.
- Devaluation of appellant's property.

6.2. Applicant Response

- 6.2.1. The applicant's response to the appeal was received outside of the appropriate period.

6.3. Planning Authority Response

- 6.3.1. None.

6.4. Observations

- 6.4.1. None.

6.5. Further Responses

- 6.5.1. None.

7.0 Assessment

- 7.1. I consider that the key planning issues in determining the appeal are as follows:

- Design and layout.
- Residential amenity.
- Car parking.
- Appropriate Assessment.

7.2. Design and Layout

- 7.2.1. The existing annex to the end-of-terrace house that it is proposed to demolish is undistinguished in terms of architectural character, and while its use of brick mirrors the terrace of houses, its flat roof is inconsistent with the established character of the terrace.
- 7.2.2. The proposed house is of a relatively simple design, and albeit that it is detached rather than an extension of the terrace, its design is reflective of the existing character of the area, with its high solid to void ratio, as well as the use of red brick to all elevations, slate roof and windows with a vertical emphasis. The eaves level of the proposed house matches the eaves level of the existing terrace, while its reduced ridge height and hipped roof serves to lessen its apparent bulk and massing.
- 7.2.3. The existing terrace of houses are not protected structures and are not within the Belgium Park and Square ACA, although I consider that their layout, design and scale complements the historic Belgium Park development. Having regard to the modest scale of the proposed development, and noting that its building line is slightly stepped-back from the terrace, I consider that it is in keeping with the established built character of the area and I do not consider that it would be visually obtrusive within the streetscape. I consider the detached proposal to be preferable to extending the terrace, which would have the potential to unbalance its composition, thereby negatively affecting its character.
- 7.2.4. I note that the proposed provision of private open space to serve the proposed house is low. While the applicant stated that 85 sq m is provided, I note that more than half of this is to the front of the proposed house. I estimate the private open space to the rear of the front building line to be c. 38 sq m, with the rear garden having a depth of only 2.2m. The Monaghan County Development Plan 2013-2019

does not specify minimum requirements for private open space, and there are no directly opposing houses located to the rear of the proposed house, and therefore the issue of separation distances and the associated length of rear gardens does not arise. Notwithstanding the size of the rear garden, I note that the proposed house is significantly above minimum floor area requirements and, having regard to the proximity of the appeal site to relatively large areas of public open space to the south west and the proximity of the site to the town centre, I consider the proposed design and layout to be acceptable. However, as a result of the low provision of private open space, I recommend that a condition be imposed restricting future use of the exempted development provisions under Class 1 and Class 3 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended, should the Board be minded to grant permission.

7.3. Residential Amenity

- 7.3.1. The appeal site is zoned as existing residential, and it is the objective of the Planning Authority in such areas to ensure that any proposals for development are in keeping with the established built character and do not adversely impact upon the amenity of existing residential properties.
- 7.3.2. The appellant contends that the proposed development will have a negative impact on his residential amenity due to overlooking, overshadowing, loss of sunlight/daylight and devaluation of property.
- 7.3.3. The proposed development would not directly overlook any other dwellings. The proposed house, as revised on foot of the request for further information, is aligned with the existing terrace of houses, and there are no directly opposing houses to front or rear.
- 7.3.4. While there will be no direct overlooking of other houses, I note that the layout of the two terraces of four houses on New Terrace is such that the two mid-terrace houses have L-shaped gardens extending to the rear of the end-of-terrace houses, while the end-of-terrace houses have small rear yards but more sizable side gardens. The appeal site comprises one of these side gardens, and the appellant's L-shaped rear garden extends behind the appeal site. While the annex that it is proposed to demolish does not have any windows on its rear elevation facing into the appellant's

rear garden, the applicant's existing house at No. 1 New Terrace does. There is therefore already a significant degree of overlooking of this private amenity space, although the proposed development by virtue of its scale and proximity to the boundary would have the potential to materially increase this overlooking impact.

7.3.5. The proposed house would have two windows at first floor level overlooking the appellant's rear garden. One of these serves a bathroom and is indicated as having obscure glazing. The second window serves a double bedroom. I note that this bedroom has a second window of the same size on the side (south) elevation, which does not overlook any residential property. Having regard to the function of this room as a bedroom, I consider that the window on the side elevation could adequately function as the main window serving the room, and that the window on the rear could therefore be fitted with obscure glazing, which I consider would be adequate to minimise the extent of additional overlooking in this relatively densely developed residential area.

7.3.6. With regard to the issue of overshadowing, I consider that the proposed development would not result in any significant overshadowing or loss of sunlight/daylight to existing dwellings due to its orientation and the layout of the surrounding area. There may, however, be some additional overshadowing of the portion of the appellant's rear garden that extends behind the appeal site in the morning time, beyond that which already arises from the annex on the appeal site. The appellant's rear garden is relatively long and narrow, and in my opinion is already somewhat compromised in terms of its access to sunlight and daylight, and it is likely to already experience overshadowing from existing boundary treatments and the existing development on the appeal site. Having regard to the increased footprint of development that is proposed relative to the existing annex, I do not consider that the extent of additional overshadowing which would occur in the morning period would be unacceptable in this built-up environment or that it would be so significant as to warrant refusal of planning permission.

7.4. **Car Parking**

7.4.1. The Monaghan County Development Plan 2013-2019 requires two car parking spaces per dwelling. The revised site layout submitted in response to the request for further information includes two car parking spaces within the appeal site, which the

Planning Authority considered to be acceptable. However, I note that the appeal site is currently associated with No. 1 New Terrace and currently provides off-street car parking to the existing house. As a result of the proposed development, No. 1 would no longer have the benefit of off-street car parking. While this could be considered to negatively affect the residential amenity of future occupants of No. 1, I note that there are on-street car parking spaces along New Terrace and that the area is within reasonable walking or cycling distance of Monaghan Town Centre. I therefore do not consider that the removal of existing car parking spaces to accommodate the proposed development and its car parking should form the basis of a refusal reason.

- 7.4.2. With regard to the issues raised by the appellant in respect of the vehicular entrance, I note that there is an existing entrance at this location, and that the area is a relatively quiet residential area. I do not consider, therefore, that the proposed development would result in the creation of a traffic hazard.

7.5. **Appropriate Assessment**

- 7.5.1. The only Natura 2000 designated site within 15km of the appeal site is Slieve Beagh SPA (Site Code 004167), which is located c. 10km to the north west. The special conservation interest for this SPA is the Hen Harrier, *circus cyaneus*. Having regard to the nature and scale of the proposed development, which relates to the construction of a single house in an established and serviced residential area close to Monaghan Town Centre and outside of any Natura 2000 sites, I am satisfied that 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. I recommend that planning permission should be granted, subject to conditions as set out below.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the provisions of the Monaghan County Development Plan 2013-2019, it is considered that subject to compliance with the conditions set out below,

the proposed development would not seriously injure the residential or visual amenities of the area or property in the vicinity, would be acceptable in terms of traffic impact and would 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 as amended by the further plans and particulars submitted on the 11th day of January 2018, 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 windows at first floor level on the rear (western) elevation shall be glazed with obscure glass.

Reason: To prevent overlooking of adjoining residential property.

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of the proposed dwellinghouse without a prior grant of planning permission.

Reason: In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwelling.

4. Water supply and drainage arrangements, including the attenuation and 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. The rear garden shall be bounded with a 1.8 metre high concrete block wall, suitably capped and rendered, on both sides, or by a 1.8 metre high timber fence with concrete posts.

Reason: In the interest of residential and visual amenity.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 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.

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.

Niall Haverty
Planning Inspector

14th June 2018