



An
Bord
Pleanála

Inspector's Report ABP 301350-18

Development	Demolish rear extension and construct a 3-bed house.
Location	Croppy Place/Sleaty Street, Graiguecullen, Carlow, County Carlow.
Planning Authority	Carlow County Council
Planning Authority Reg. Ref.	18/09
Applicant(s)	Paul O'Brien
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	Applicant v Refusal
Appellant(s)	Paul O'Brien
Observer(s)	None
Date of Site Inspection	19 th June 2018
Inspector	Hugh Mannion

1.0 Site Location and Description

1.1. The application site has a stated area of 0.0287ha and comprises the existing end of terrace bungalow with later rear additions and its rear garden at the junction of Sleaty Street and Croppy Place in the north-western quadrant of Carlow town, County Carlow. The terrace of which the application site is the end site has eight single storey houses most of which have access from a rear lane. The application site has a pedestrian gate onto Croppy Place and its rear boundary (western boundary) adjoins a public car park. North of Croppy Place is two storey residential development. Opposite the application site is a six-house terrace of single storey cottages but just north of these and opposite the site are a significant number of two storey houses under construction.

2.0 Proposed Development

2.1. The proposed development comprises the demolition of a rear bedroom attached to the original house fronting onto Sleaty Street and the erection of a three bed two storey house in the re-configured rear garden area at the junction of Sleaty Street and Croppy Place, Graiguecullen, Carlow, County Carlow.

3.0 Planning Authority Decision

3.1. Decision

The planning authority refused permission because;

- The proposed two storey house would be out of character and seriously injure the amenity of adjoining single storey houses and be contrary to the zoning objective “to protect and enhance residential amenity”.
- The proposed development is unacceptable in terms of scale, mass and appearance and provides inadequate private amenity space and would be contrary to the provisions of the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012-2018.

- The proposed development would overlook adjoining property and be contrary to the Sustainable Residential Development in Urban Areas Guidelines.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planner's report recommended refusal as set out in the manager's order.

3.2.2. Other Technical Reports:

3.2.3. The **SEE/Tullow Office** sought clarification in relation to sewerage and water supply, parking and potential flood risk.

3.2.4. **Transport Department** reported no objection.

3.2.5. **Environment Section** reported that the site is served by public water, sewerage and surface water drainage.

3.2.6. **Irish Water** sought details of the location of the water main serving the site.

3.2.7. **Observers**

3.3. The next door neighbour (7 Sleety Street) made an objection citing the two storey nature of the house and impact on the amenity of adjoining property.

4.0 **Planning History**

Under 17/172 permission was granted on the adjoining site (7 Sleety Street) for a two storey extension but this has not been constructed yet.

There is no relevant recent planning history.

5.0 **Policy Context**

5.1. **Development Plan**

5.2. The application site is located in an area zoned 'Established Residential' in the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012-2018¹ with the

¹ The lifetime of this plan has been extended until 2021.

objective to protect and enhance the established residential amenity, the amenity of established residential communities and enhance with associated open space.

5.3. **Natural Heritage Designations**

See AA screening below.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The proposed house is a traditional two storey house which replicates the character of the area and will not give rise to overlooking of nearby property.
- The house can be reduced from 3 to two bedrooms thereby giving a rear garden of 48m².
- A car parking space can be provided in the adjoining under-used public car park.
- The scale and mass of the proposed house replicates the scale and mass of nearby local authority built houses.

6.2. **Planning Authority Response**

- The planning authority resubmitted the planner's report.

6.3. **Observations**

- There are no observations on file.

6.4. **Further Responses**

There are no further submissions.

7.0 **Assessment**

7.1. The proposed development is located in an area zoned for residential development in the Greater Carlow Graiguecullen Urban Area 2012-2018 and the proposed site is

the rear portion of the rear garden of 8 Sleaty Street. At present the rear garden is given over to an elongated extension to the single storey house at 8 Sleaty Street and an overgrown area which extends to a boundary wall about 1.5m high with the public car park to the rear of the site. It is proposed to demolish the last section of the existing extension thereby creating garden space for the existing house and erect a three bedroom house in the remaining site area with a boundary onto the public car park.

7.2. The development plan at policy DBF P11(B) sets out criteria for development on corner and side gardens. The more relevant of these criteria in the present case are;

- that the new development should reflect the character of the area,
- be compatible with the scale and design of other buildings reflecting the building lines, proportions and heights,
- avoid impacts on amenity of adjoining property,
- avoid impact on the character of the street scape,
- maintain open space standards and refuse storage for new and existing houses on site,
- provide safe access/egress, provide adequate parking.

7.3. The appeal makes the point that there are two storey houses in the area. This is a fair point and the older residential development north of Croppy Place and the new development under construction opposite on Sleaty Street are two storey. Therefore, generally, a two storey house in the area may reflect the pattern of development in the area. However, in the present case there is rise in gradient from the public footpath on Sleaty Street to the rear wall of the site of about 2 meters. The proposed house is about 8.2m high at the roof ridge. The contiguous elevation drawing (drawing 17-699/PP/04) illustrates the overbearing nature of the proposed development when viewed from Sleaty Street. I conclude the proposed development would comprise an incongruous feature when viewed from the surrounding area and would be out of keeping with the scale, character and pattern of development in the area.

7.4. The appeal makes the point that the house could be amended to a smaller, two-bedroom unit which would overcome the reasons for refusal set out by the planning

authority. I conclude that fundamental alterations to applications may not be made at appeal stage and should be subject to a separate application.

- 7.5. The proposed development provides three first floor windows facing into the rear garden/onto the rear elevation of both the existing house at 8 Sleaty Street, and the adjoining house at 7 Sleaty Street. The adjoining garden is very overgrown but I consider that these proposed windows elevated over the application site and adjoining site have significant capacity to seriously injure the amenity of residents of both 7 and 8 Sleaty Street through overlooking.
- 7.6. The Greater Carlow Graiguecullen Urban Area 2012-2018 does not appear to set out standards for private amenity space but the Carlow County Development Plan (paragraph 11.3.6.3) requires that 1 and 2 bed houses provide a minimum 48m² of private garden space while 3, 4 and 5 bed units are required to have a minimum 60-75m². The proposed development comprises a 3-bed house and proposes 45m² of private amenity space and 45m² to serve the existing house at 8 Sealty Street. While some relaxation of the open space standards may be acceptable on a brownfield site in an urban area it may be noted that the development plan standards are minimum standards and that the garden will be required to accommodate a range of domestic activity such as refuse management along with providing recreational space. I conclude, therefore, that the proposed development is so deficient in the provision of private amenity space for the new house and for the existing house at 8 Sleaty Street as to seriously injure the amenity of future residents of the proposed development and of property in the vicinity.
- 7.7. The Greater Carlow Graiguecullen Urban Area 2012-2018 requires that appropriate car parking space be provided for houses proposed in corner/side garden sites. The application provides no on-site parking. The appeal makes the point that there is parking available in the adjoining public car park. The application does not demonstrate that such parking is permanently available to future occupants of the proposed development.
- 7.8. **Appropriate Assessment Screening**
- 7.9. Having regard to very modest scale of the proposed development and its location in a urban area where public piped services are available 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. Having regard to the foregoing I recommend that permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

1. The proposed development is located in an area zoned 'Established Residential' in the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012-2018 where the objective is to protect and enhance residential amenity. The proposed development is elevated over existing property on Sleaty Street and would comprise a visually intrusive and overbearing feature when viewed from Slealy Street and the adjoining area. The proposed development would therefore seriously injure the amenity and depreciate the value of residential property in the vicinity, materially contravene the zoning objective for the area set out in the development plan and be contrary to the proper planning and sustainable development of the area.
2. The proposed development is deficient in the provision of private open space for the proposed house and the existing house at 8 Sealty Street, would give rise to overlooking of the rear garden of 8 Sealty Street and adjoining property and would, therefore, seriously injure the residential amenity of future residents of the proposed development and of adjoining property and be contrary to the proper planning and sustainable development of the area.

Hugh Mannion
Senior Planning Inspector

25th June 2018.