



An  
Bord  
Pleanála

## Inspector's Report ABP-301489-18

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<b>Development</b>	Construction of 12 two storey dormer semi-detached houses, 1 detached two storey dormer house and 7 terraced two storey dormer houses, and all ancillary services.
<b>Location</b>	Daingean Road, Puttaghaun, Tullamore, Co Offaly
<b>Planning Authority</b>	Offaly County Council
<b>Planning Authority Reg. Ref.</b>	17/332
<b>Applicant(s)</b>	James Spollen Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	James Spollen Ltd.
<b>Date of Site Inspection</b>	9 <sup>th</sup> of October 2018
<b>Inspector</b>	Caryn Coogan

## 1.0 Site Location and Description

- 1.1. The site is located in Tullamore town within the urban area just north east of the central commercial hub. It is positioned south of the canal in a residential area, with a secondary school located on the opposite side of the road. The site is within walking distance of Tullamore town centre.
- 1.2. The site, 0.523Ha, is accessed from an existing residential estate and estate road, **Grand Canal Court**. Grand Canal Court consists of a line of detached bungalows overlooking a dense hedge and tree planting, between the houses and the canal.
- 1.3. The site is currently a vacant overgrown site, with heavy screen planting along the northern site boundary, and an ESB substation along the roadside boundary to the south at the western extremity.
- 1.4. There is a footpath and cycle lane fronting the site along Daingean Road.

## 2.0 Proposed Development

- 2.1. The proposed development consists of 20No. houses, different types and sizes with two accesses creating two short cul-de-sacs.
  - One access directly from the Daingean Road serving 7 No. dwellings, 6No. of which are semi-detached and one is detached.
  - The other access is from an existing estate road, Grand Canal Court, and this will serve 7No. terraced houses, and 6No. semi detached units.

The dwellings are two storey with attic accommodation in the detached and semi detached units. The terraced units are two storey two bedroomed townhouses only.

Amended to 19No. dwellings as per revised submission received by further information on 9<sup>th</sup> of Marc 2019.

## 3.0 Planning Authority Decision

### 3.1. Decision

Offlay Co Co. refused the proposed development planning permission for one reason only:

*It is considered that the design of the proposed development is substandard having regard to the house design, the lack of chimney features throughout the development, the haphazard gable elevations facing open space, the use of brick finishes as an overall external finish which is not used in the locality and the lack of sufficient variety in visual appearance along the proposed terrace given the narrow nature of the front elevations of the dwelling's and the repetitive nature of the design. Accordingly, the proposed development would be injurious to the visual amenities of the area and therefore it is not in accordance with the proper planning and sustainable development of the area.*

### **3.2. Planning Authority Reports**

#### *3.2.1. Planning Report*

3.2.2. In the 1<sup>st</sup> Report (26/10/17), requested additional information based on internal reports and submissions. A detailed response was received on 9<sup>th</sup> of March 2018.

3.2.3. The applicants had been asked to insert chimneys into the scheme, but the applicants considered they would be inappropriate as the form. The windows placed in the gable end do not look like considered elevational treatment. The use of brick on the elevations especially the houses facing onto the canal would result in an oppressive visual appearance given the narrow nature of the front elevation of the repetitive nature of the design. A refusal was recommended on this basis.

#### *3.2.4. Other Technical Reports*

Environment and Water Services

Details of attenuation to be submitted, and details of SUDS drainage.

Roads Design – No objections

### **3.3. Prescribed Bodies**

*An Taisce* notes the previous refusal on the site (16/264), and the proposed development fails to address the previous reason for refusal :

- The previous application did not provide for adequate pedestrian and cyclist safety
- The previous application did not address how the development would impact on the Grand Canal.

*OPW*

Regard should be had to the publication 'Planning System and Flood Risk Management Guidelines for Planning Authorities November 2009'.

A 10metre wide strip be retained adjacent to the channel to permit access for maintenance.

*Waterways Ireland*

Additional information required in respect of:

- Longitudinal cross sections through the site
- Details of finished floor levels, road levels and drainage/ sewer invert levels
- Layout map and cross sections within 10metres of the canal boundary
- Construction details of boundary fence

### **3.4. Third Party Observations**

A number of third party residents from the area stated the houses should be single storey, there is insufficient green space, and it will hinder traffic along the Daingean Road.

## **4.0 Planning History**

**16/264**

The applicant was refused planning permission to construct 14No. two storey semi-detached dwellings and 1No. detached two storey dwelling on the site for 3No. reasons:

- The layout and design of the development is substandard having regard to the unacceptable house design which lacks sufficient variety in house type and

finishes, public open space, that is unsuitable as play areas. The development does not address the Grand Canal,

- There is insufficient cyclist and pedestrian safety, especially regarding footpaths, verges, dropped kerbing and pedestrian crossings is not satisfactory.
- The applicants have not demonstrated that the proposal will not impact on the canal

## 5.0 Policy Context

### 5.1. Development Plan

*Tullamore Development Plan 2010-2016* (as extended to 2020)

The site is zoned Residential. the use '**Residential**' shall be taken to primarily include the use of land for domestic dwellings (including meeting housing needs of members of the travelling community), religious and civic residences

## 14.2 Strategy

### 14.2.1 Residential Development – Multiple Housing Schemes

Housing developments are new communities or extensions to existing communities and the Planning Authorities consider that all such developments should strive for excellence. In particular, the form, scale and design of developments should respect and enhance their context.

A high standard of architectural design and layout are the main criteria for achieving a high quality living environment and all housing developments will be assessed against policies, objectives and standards of this Development Plan. The Planning Authority will also have regard to “Sustainable Residential Development in Urban Areas Guidelines 2008” and accompanying document “Urban Design Manual – Best Practice Guide 2008”, published by the Department of Environment, Heritage and Local Government (DoEHLG) particularly in relation to density. In so doing, particular attention will be given to good design, ensuring that higher densities are

not achieved to the detriment of residential amenity or general urban and environmental quality.

#### 14.2.1.4 Dwelling Design

The value of an appropriate housing layout will not be realised without corresponding high standards in house design.

The Planning Authorities welcome contemporary designs and innovation in this area. Context remains very important

principally in outlying mature residential areas of the town and environs. Materials and finishes will also be required to

be of a high standard and to take account of their context. Where necessary, colour schemes will be required to be

prepared by a suitably qualified person.

### **Design Note A: Design in Urban Areas including Tullamore Town and Neighbourhood Centres**

#### **Building Line**

Where an established building line exists, this shall generally be maintained.

#### **Height and Mass**

Building height and mass shall be related to that of adjoining structures in the street. Where variations in eaves levels occur, the new structure will be expected to follow this pattern. Terracing of structures where appropriate will be required. New built form shall be used to define and endorse urban space of individual identity.

#### **Roofs**

Roofs shall be generally pitched shape and in keeping with that of adjoining properties in the street. Roof covering shall normally be of blue/black slate. Where backland or other developments adjacent to the Town Centre take place, consideration can be given to the use of tiles.

#### **Windows**

A predominately vertical emphasis should be a feature of all windows and door openings, especially those affecting the street elevation. In the case of windows, a minimum height to width ratio of 1.5:1 should be achieved. Traditional sash

or top hung casement windows should be used in the case of domestic windows, where this is the predominant window type in the street. Shop windows of large dimensions should be sub-divided into segments by the use of mullions and transom rails. The use of timber for window frames will be promoted as the most sustainable option.

### **Finishes**

Generally, simple external finishes such as smooth plaster should be used. Finishes such as brick work or cut stone will not normally be permitted where they would be out of character with predominant external finishes for the type of building concerned in the street/vicinity.

### **Extensions/Alterations**

The size, form and external finishes of extensions should harmonise with those of the existing structure. The Councils will promote the concept that important exterior architectural features such as render, quoins, architraves, window cills, chimneys, slate roofs etc. are retained. Where new build proposed is an extension, the design should incorporate natural local materials where possible.

## **5.2. Natural Heritage Designations**

SAC Charlesville Wood 2Km from the site. Site No. 000571. Charlesville Woods is considered to be one of the oldest woodlands in Ireland, with some parts undisturbed for 200 years.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

Sean Lucy & Associates has taken this appeal against the decision to refused planning permission for the 20No. dwellings in Tullamore on behalf of the applicant James Spollen Ltd. A summary of the relevant issues of the appeal is as follows:

- The subject site is zoned for Residential Development in the Tullamore and Environs Development Plan.
- The further information requested revisions to the scheme, however it did address the issues raised in the reason for refusal.
- There is no clear development within the immediate area that provides a context for design and layout of the appeal site. There is a school, single storey dwellings of varying form, and ESB substation and a bridge. The site is a standalone and create its own design, in this case mock Georgian red brick units with porches.
- The proposal includes a mix of house types, semi-detached and terraced units with a single detached unit along the streetscape.
- The site is restricted, and the development is modest in scale, there is sufficient visual variety along the streetscape. The site will only be visible from the canal bank.
- In respect of the gable ended elevation, the road which they address is used primarily to provide access to existing one-off housing and is not heavily trafficked. The depth of the semidetached units would be better supported with a wall along part of the gable with windows at ground floor level.
- The lack of chimney features was addressed in the further information. A lot of new developments will not include fireplaces, similar to the current proposal. False chimneys can be provided if the Board wish to condition this as part of the decision.
- Red brick has and is an urban building material. The material is maintenance free, and is acceptable in an urban environment where there is no design or specification dictating the design brief.

## 6.2. Planning Authority Response

The development is considered to be inappropriate in terms of design in particular the terrace. The Board is requested to uphold the planning authority's decision.



## 7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

### 7.2. Development Plan Policies

In the Tullamore Town Development Plan 2010-2016 (extended to 2020), the subject site is zoned for **residential** development. The site is located on the 'Town Centre' boundary. To the west of the site there is a housing estate (Grand Canal Avenue) and residentially zoned land. To the north of the site is Open Space zoning associated with the Grand Canal which flows parallel along the northern site boundary. Across the road from the subject site, is Public/ Community/ Educational zoned lands, which include the grounds and buildings associated with a secondary school.

7.3. According to section 15.3.6 of the development plan, the use '**residential**' shall be taken to primarily include the use of land for domestic dwellings (including meeting housing needs of members of the travelling community), religious and civic residences. As the proposal is exclusively residential, I consider the proposed development is in keeping with the zoning objective for the area.

### 7.4. Design of the Scheme

Chapter 14 of the development plan outlines **Development Standards**. The Standards specifies qualitative and quantitative guidelines for new residential developments in Tullamore. As per the further information submission received by the planning authority on 9<sup>th</sup> of March 2018, the scheme was revised to include 19No. dwellings in order to increase the available public open space areas. The proposed density is acceptable for the town centre location. The scheme has elevations addressing the Daingean Road and the Grand Canal. In terms the site layout, the majority of the dwellings will have south facing back gardens. The separation distances between opposing windows is acceptable.

7.5. There are 12No. houses addressing the Grand Canal, and 7No. dwellings addressing Daingean Road. The open space areas consist of two long strips, one area along the northern site boundary between the proposed access road and the site boundary, creating a buffer area and separation distance between the

development proposal and the Grand Canal. The other area is a strip along the estate access road alongside two dwellings. The OPW and Waterways Ireland requested a 10metres development free gap between the proposed development and the edge of the Grand Canal.

7.6. There were certain revised designs requested by the planning authority by further information. These included the addition of chimneys, revised design of blank gable walls onto the streetscape, revise the front elevations to exclude the entire brick finish. In the response dated the 9<sup>th</sup> of March 2018, the applicant stated the following:

- There were no chimneys fitted to the houses because the houses will be heated by a heat pump or geothermal equipment which do not require masonry chimneys;
- Revised gable end designs provided for Houses No. 7 and 8 which include windows.
- The brick finish is for the urban environment, it is a standalone development and should not be viewed in the context of the neighbouring single storey units.

These design issues form the crux of this appeal, as they are directly related to the one reason for refusal provided by the planning authority in its decision. Firstly, I do not consider the absence of chimneys to be a material issue to warrant a refusal of the permission. With changes in domestic heating systems and fuels, urban housing using natural gas, electrical heating or in particular heat pump systems do not require chimneys. The absence of chimneys is a modern-day design feature of urban and suburban housing.

The gable ends of Houses No. 7 and 8 do no address a major road or streetscape. The houses address a short section of the access road into the Grand Canal Avenue housing estate. Windows have been inserted into the gable end of the respective dwellings, and this is visually acceptable in the context of the site and the relational of No.s 7 and 8 to the surrounding area.

## 7.7 Public Open Space

The planning authority considered the proposed site layout to be substandard especially in regard to the public open space area positioned alongside blank gable walls to the east of the site. I note the site is restricted in size. The site also presents a number of design constraints, such as an ESB substation is located in the south western corner, a busy road to the south and another estate road to the east. Therefore, in order to achieve a reasonable density on this town centre location, there should be some flexibility given to certain design features. The quantity of public open space area provide is adequate. Each dwelling has a private front and rear area. There is a strip of open space running parallel with the canal. The banks of the Grand Canal represent a significant public amenity area contiguous to the subject site. There is a parkland area on the opposite side of the Daingean Road associated with the school. The open space layout on the adjoining estate to the east, Grand Canal Avenue, consists of the strip along the northern site boundary, between the houses and the Grand Canal also. Therefore, the proposed layout is consistent with the existing pattern of residential development in the area. IN my opinion, given the site constraints and the general pattern of development in the immediate vicinity, I do not consider the proposed site layout to be substandard, and this reasons for refusal should be dismissed by the Board.

## 7.8 Appropriate Assessment

In terms of Appropriate Assessment the nearest site is Charlesville Wood SAC 2Km from the site. Site No. 000571. Charlesville Woods is considered to be one of the oldest woodlands in Ireland, with some parts undisturbed for 200 years. The planning authority carried out the appropriate screening test. It is considered having regard to the urban location and the distance between the subject site and the SAC there would be no likely significant impact on European sites from the proposed development.

## 8.0 Recommendation

- 8.1. I am recommending the Board grant this small scale residential development in the town centre of Tullamore. I consider the design of the scheme to be acceptable and in keeping with the general pattern of neighbouring residential developments. The

Board should consider the development to be a planning gain for the area, it is the development of a wasteland area on a prime urban site adjacent to residential developments, a school and other services. The facades of the proposed dwellings will address the main Daingean Road in keeping with the pattern of development of the area, and facades will address the Grand Canal. Furthermore, the mix of house types provides a variety of living accommodation, which is sustainable form of development.

## 9.0 Reasons and Considerations

Having regard to the location and the residential zoning of the site in the current development plan for the area, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 as amended by the further plans and particulars submitted to the planning authority on 9<sup>th</sup> of March 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 site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –

(i) Existing trees and hedgerows, specifying which are proposed for retention as features of the site landscaping.

(ii) The measures to be put in place for the protection of these landscape features during the construction period.

(iii) The species, variety, number, size and locations of all proposed trees and shrubs.

(vi) Hard landscaping works, specifying surfacing materials, furniture and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

3. 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.

4. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.

**Reason:** In the interests of amenity and of traffic and pedestrian safety.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interest of visual and residential amenity.

6. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores for the apartment units and dwellings, the location and design of which shall be included in the details to be submitted.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including construction hours, noise management measures, and off-site disposal of construction/demolition waste including any excess soil arising from the proposed excavation of the site.

**Reason:** In the interest of public safety and residential amenity.

8. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended.

Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

9. All areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for

occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

**Reason:** In order to ensure the satisfactory development of the public open space areas and their continued use for this purpose.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of amenity and public safety

11. Prior to commencement of development, proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of orderly development

12. 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 and to ensure a proper standard of development.

13. Prior to commencement of construction of the houses, details of the materials, colours and textures of all the external finishes to the proposed houses shall be submitted to the planning authority for written agreement, in particular the brick to be used on the front elevations of the proposed development. .



**Reason:** In the interests of orderly development and the visual amenities of the area.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

15. 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 the 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.

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Caryn Coogan  
Planning Inspector

24<sup>th</sup> October 2018