



An
Bord
Pleanála

Inspector's Report ABP-301590-18

Development	The demolition of existing two storey return, demolition of existing single storey return, renovation and extension to an existing cottage with associated site works, relocation/alteration to entrance, and alterations to elevations on existing dwelling.
Location	The Old Village Road, Rosses Point, Co Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	17/447
Applicant(s)	Brenda Boyle
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Residents of Radharc na Rí and Ceol na Mara
Observer(s)	None
Date of Site Inspection	19 th July 2018
Inspector	Donal Donnelly

1.0 Site Location and Description

- 1.1. The appeal site is located on The Old Village Road in Rosses Point, Co. Sligo. Old Village Road continues for approximately 1km east to west parallel to sea and the R291, which connects Rosses Point to Sligo. The road sits above the level of the R291 to the south and comprises of single and 2-storey buildings on its northern side, most of which are in residential use. Many of these buildings are present on 19th century OS mapping.
- 1.2. The dwelling on the appeal site is a single storey structure with single and 2-storey rear returns located at the western corner of Old Village Road and the entrance to the Radharc na Rí housing estate. The stated floor area of the dwelling is 99 sq.m. and the site area is given as 0.029 hectare. A footpath continues around the front and side of the dwelling and the front building line is shared with the dwelling to the west. However, the property to the west has a front garden surrounded by a low wall that projects in front of the subject property. The dwelling on the appeal site was vacant and dilapidated at the time of my site visit.

2.0 Proposed Development

- 2.1. Planning permission is sought for the following works to an existing cottage:
 - Demolition of existing 2-storey return,
 - Demolition of existing single storey return,
 - Renovation and extension to cottage with associated site works,
 - Relocation/ alteration to entrance,
 - Alterations to elevations on existing dwelling.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Sligo County Council issued notification of decision to grant permission subject to six conditions.

- 3.1.2. The omission of the proposed windows on the western elevation are required under Condition 2 and under Condition 3 the proposed eastern boundary wall shall follow the existing kerblines.
- 3.1.3. Other conditions are attached relating to materials and finishes, drainage and waste disposal.

3.2. Planning Authority Reports

- 3.2.1. The recommendation to grant permission outlined in the Planner's Report reflects the decision of the Planning Authority.
- 3.2.2. Further information was sought from the applicant in relation to the design and height of the western portion of the proposed rear extension. The applicant was also asked to clarify proposals for the concrete wall along the boundary to the west; details regarding the covered parking area; locations of submitted sections; restoration of historic features; and the impact of the proposed boundary and porch on junction radii and visibility.
- 3.2.3. The Planning Authority accepts the justification that the flat roof/ western gable steps away from the adjoining property; however, it is considered that the west facing windows should be omitted as they may compromise the development potential of the adjoining property.
- 3.2.4. Changes are proposed to the design of the front porch and front boundary wall. The Area Engineer considered that the existing kerb line and footpath along the eastern boundary should be retained to allow for future footpath development. It is stated that the proposed boundary wall should terminate at the south-eastern end of the existing dwelling. The Case Planner, however, considered that the construction of a narrow footpath at this location would not be a significant benefit to the area. It is noted that there is a footpath opposite that could be widened and the placing of a footpath beside the cottage would have a significant impact on the amenity of residents of the proposed development.
- 3.2.5. The response to other further information items, including the proposed 2.4m concrete boundary wall, car port details, sections and materials are acceptable to the Planning Authority.

3.3. Third Party Observations

- 3.3.1. Four third party observations were received from neighbouring property owners/ residents and from a residents' group. The concerns related to the proposed design; overlooking/ overshadowing/ overbearing impacts; boundary treatments; and traffic hazard.

4.0 Planning History

Appeal site:

Sligo County Council Reg. Ref: 06/711

- 4.1. An application for demolition of 1 no. dwelling house and construction of a dormer dwelling with self contained flat on site was withdrawn.

Other:

Sligo County Council Reg. Ref: 13/321

- 4.1.1. Permission granted on the site on the opposite side of the "T" junction for the construction of a single storey extension to rear of dwelling house and also to construct a single storey entrance lobby to the front.

Sligo County Council Reg. Ref: 17/485 (ABP-301238-18)

- 4.1.2. The Board overturned the Council's decision and granted permission on a site to the east of the "T" junction for development consisting of the demolition of two existing dwellings and the construction of one new replacement dwelling house, including new boundary wall and all associated site works as required.

Sligo County Council Reg. Ref: 16/421 (PL21.247908)

- 4.1.3. The Board overturned the Council's decision and granted permission on a site further to the east for alterations, extension and refurbishment of the existing single storey cottage, construction of an elevated extension to the rear, at first floor level, with attic gallery space over, elevated terrace space between the existing cottage and new extension and new vehicular access to rear with parking area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The appeal site is within the development limit of Rosses Point Mini Plan and is zoned for mixed uses.
- 5.1.2. It is an objective to *“ensure that development within the village centre area is appropriately scaled, generally restricted to two storeys in height and designed to be in keeping with the character of existing development.”*
- 5.1.3. The following built heritage objective is also of note: *“In order to retain the character and rhythm of the existing historical streetscape, require the retention and refurbishment of existing properties along the old village (upper) road rather than demolition and reconstruction.”*
- 5.1.4. It is an objective to *“prepare a traffic management plan for Rosses Point in accordance with the requirements of the Design Manual for Urban Roads and Streets (DMURS – 2013), as resources permit. The plan should address the issue of conflict between pedestrian and vehicular traffic along the old village road and should investigate the feasibility of restricting traffic movements along this road. Facilities for pedestrians and cyclists should be prioritised.”*

5.2. Natural Heritage Designations

- 5.2.1. Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC and pNHA adjoin/ overlap the appeal site to the south. Cummeen Strand SPA is located approximately 30m to the south of the site.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A third party appeal was submitted against the Council's decision on behalf of the residents of Radhach na Rí and Ceol na Mara. The grounds of appeal and main points raised in this submission can be summarised as follows:

- Existing junction at Radhach na Rí and the Old Village Road to be retained as presently exists.
- Drawings were not a reflection of the situation that exists on the ground in so far as the dimensions to boundary wall were incorrect, the sight line distances were incorrect, there was no consent submitted to the local authority for sight lines to traverse the property to the north and west, and the scale/measurements of the boundary plan are incorrect.
- Restriction of the existing junction by the proposed southern and eastern boundaries contravenes the residents' entitlements, as their planning permissions are based on Condition 10 of Reg. Ref: 16897 and the junction as it exists.

6.1.2. In an observation to the Planning Authority, it was stated in addition to the above points that the proposed flat roof and angular sides to the porch and the side elevation are not in keeping with the character of Rosses Point streetscape. It is noted that permission was refused for two cottages 30m to the east on the basis that the windows were not suitable.

6.2. **Planning Authority Response**

6.2.1. No further comments to make.

6.3. **Applicant's Response**

6.3.1. The applicant's architect submitted correspondence stating that the appeal submission does not represent all of the residents of Radhach na Rí and Ceol na Mara. Another submission on behalf of the applicant was declared invalid.

7.0 **Assessment**

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

- Visual impact;
- Space considerations and impact on residential amenity;
- Traffic impact; and

- Appropriate Assessment.

7.2. Visual Impact

- 7.2.1. Planning permission is sought for demolition of single and 2-storey rear returns to an existing single storey dilapidated dwelling, and for refurbishment and construction of a contemporary 2-storey extension. The proposal also includes a number of alterations to the existing dwelling, including the construction of a porch and new fenestration.
- 7.2.2. Rosses Point village has developed along the northern side of Old Village Road in a linear manner and this pattern of development is evident in the earliest OS mapping dating from 1829-41. Cottage style dwellings align the road, mostly in detached and semi-detached formats and comprising of vernacular single and 2-storey designs with some variation in building line set backs. It is a policy of the Rosses Point Mini Plan contained within the Sligo County Development Plan, 2017-2023 to *“ensure that development within the village centre area is appropriately scaled, generally restricted to two storeys in height and designed to be in keeping with the character of existing development.”* It is also an objective to retain the character and rhythm of the existing historical streetscape by requiring the retention and refurbishment of existing properties along the old village (upper) road rather than demolition and reconstruction.
- 7.2.3. It should be noted that there is precedence along Old Village Road for 2-storey flat roof extensions to the rear of single storey cottages, most notably at adjoining sites approximately 200m to the west (Reg. Ref: 05/1191 & 06/178). The Board also granted permission at a location approximately 250m to the east for an elevated extension to the rear of a single storey dwelling (PL21.247908).
- 7.2.4. The above examples are for extensions to dwellings in the middle of a row or terrace of dwellings and the proposed extension at a corner location may appear more prominent. The extension will be visible above the existing roof line and from the roadway to its east. Notwithstanding this, I would be satisfied that the scale and design of the extension is appropriate for this location.
- 7.2.5. The highest part of the extension will rise approximately 2.3m above the main ridgeline. However, this part of the extension will be set back approximately 3m from

the ridge. The extension will also be broken down into three elements when viewed over the main ridgeline, and the backdrop of trees, together with the rising topography and structures to the rear, will help assimilate the new structure into its surroundings.

- 7.2.6. The side elevation of the proposed extension will be sufficiently separate from the existing cottage so as not to appear overly dominant. There will be a degree of stepping up from the new side boundary wall to the lower and upper parts of the new extension. The corner window will act as a focal point and the ground floor glazing and the slight setting back of eastern elevation will break down the bulk of the structure with viewed from the side.
- 7.2.7. Overall, I would be satisfied that the proposed development will not be out of character in the streetscape. The existing cottage will be retained and refurbished and this complies with the abovementioned objectives of the development plan. It should also be noted that there is an existing 2-storey extension to the rear of the cottage, and whilst the proposed extension will be of greater scale, it nonetheless pays regard to the existing form of development on site.

7.3. Space considerations and impact on residential amenity

- 7.3.1. The existing dwelling on site has a floor area of 99 sq.m. Internally, the building comprises of five rooms at ground level and a single 15 sq.m. room at first floor level. The aggregate living/ kitchen areas would be substandard for a modern dwelling. The proposed extension and refurbishment will increase the overall floor area of the dwelling to 143 sq.m. In general, the proposal will bring the dwelling back into habitable use and improve the standard of residential amenity for future residents.
- 7.3.2. The Planning Authority had concerns in relation to the design and height of the western portion of the proposed extension having regard to its proximity to the adjoining property and the proposed inclusion of windows on the western elevation. It was considered that the creation of 2 no. windows at this location may compromise the development potential of the adjoining property and create a 'right to light' for the applicant where there was no light before. A condition was therefore attached to the notification of decision to omit these windows. I agree with the Planning Authority

that these windows could adversely impact on the adjoining property over and above the current situation.

- 7.3.3. The applicant submitted drawings with the further information response illustrating that the proposed design steps back from the boundary line at this location. A 2.4m high boundary wall is proposed around a narrow space intended to provide daylight access to the ground floor windows serving a bathroom and store. Essentially, the condition to omit the windows would create an area of dead space between the properties. At present the adjoining property is bounded by the existing 2-storey extension. The proposed boundary wall and new set back extension will compensate for the increased height of the new extension over and above the existing 2-storey extension. The applicant may wish to consider proposals for incorporating this narrow leftover space into the ground floor of the proposed development for use as a storage space. I consider that this can be addressed by way of condition.

7.4. Traffic impact

- 7.4.1. The third party appeal requests that the existing junction beside the appeal site should be retained as presently exists. There are concerns that sight lines will traverse an adjoining property and that dimensions to the boundary wall are incorrect.
- 7.4.2. The Planning Authority also had concerns that the proposed front boundary wall and porch will negatively impact on the junction by reason of reduced junction radii and visibility onto the main road. In response, the applicant amended the boundary wall splay and the design and location of the proposed porch. It is illustrated that the amended porch increases the line of sight by 25.5m.
- 7.4.3. The Area Engineer requested that the existing kerbline and footpath along the eastern boundary of the site be retained to allow for future footpath development. However, the Planning Authority considered that the construction of a narrow footpath would not be of significant benefit. It was noted that there is an existing footpath on the opposite side extending into the housing development to the north, which could be widened slightly. It is considered that the placing of the footpath at

the side of the cottage would have a significant impact on the amenity of residents of the proposed development.

- 7.4.4. It would appear that the applicant in effect intends to take back ownership of the area to the front and side of the cottage within the site boundary. An 800mm boundary wall is proposed and a new pedestrian gate will provide access from the roadway to the front. The boundary wall will be below the light of sight for an emerging motorist at the adjoining "T" junction. The remaining roadway at the "T" junction will have a width of approximately 6.3m and the Design Manual for Urban Roads and Streets states that the standard carriageway width on local streets should be between 5m-5.5m. Thus, there should be scope for the provision of either a footpath on the appeal site side of the road, or for widening of the existing footpath opposite as suggested by the Planning Authority.
- 7.4.5. I note the applicant increased the corner radius of the junction at further information stage by stepping back the 800mm boundary wall at the corner. It is stated in the Design Manual for Urban Roads and Streets that a reduction in corner radii will significantly improve pedestrian and cycle safety by lowering the speed at which vehicles can turn corners. The creation of a more compact junction can also reduce crossing distances for pedestrians.
- 7.4.6. As noted above, an 800m high boundary wall would still be low enough for emerging motorists to see over. I am therefore of the opinion that the boundary wall, as originally proposed, would not interfere with the available sightline anymore so than the amended proposal with wider junction radius. The Design Manual for Urban Roads and Streets recommends maximum corner radii of 1-3m where design speeds are low and movements by larger vehicles are infrequent. The original proposal had a radius of 1.135m and the amended proposal is 3.515m.
- 7.4.7. Should the Board be minded to grant permission for the proposed development, I recommend that a condition is attached stating that the corner radius shall be as originally proposed.

7.5. Appropriate Assessment

- 7.5.1. Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC adjoins/ overlaps the appeal site to the south. Cummeen Strand SPA is located approximately 30m to the south of the site.
- 7.5.2. The proposed development comprises the construction of an extension and refurbishment of a dwelling within a fully serviced and hard surfaced urban area. It is proposed to connect the site to public mains for water supply and foul sewer for wastewater disposal.
- 7.5.3. Having regard to the nature and scale of the proposal, to the limited and controlled discharge from the site, and to the distance between the site and the nearest designated sites, it is likely that there will be no significant direct or indirect effects on the conservation status of the habitats, species or bird species within any European Site.

8.0 Recommendation

- 8.1. It is considered that the proposed development should be granted for the reasons and considerations hereunder and subject to the conditions below.

9.0 Reasons and Considerations

Having regard to the zoning objective for the site, the pattern of development in the area, and the design, layout and scale of the proposed extension, it is considered that, subject to compliance with conditions below, the proposal would not seriously injure the visual amenities of the area or residential 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 on the 23rd day 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 interests of clarity.

2. The proposed development shall be amended as follows:
 - (a) The proposed ground floor windows on the western elevation shall be omitted from the development;
 - (b) The space between the boundary wall to the west and the proposed extension shall be used for storage or ancillary purposes;
 - (c) The proposed eastern boundary wall shall follow the kerbline and shall not reduce the existing width of the adjacent carriageway.
 - (d) The eastern boundary wall shall be positioned to allow for the corner radius as original proposed in the drawings submitted to the Planning Authority on 28th November 2017. No planting shall take place within the site boundary that may grow above the height of the boundary wall and the sightline in this direction from the junction shall be kept free from obstruction.

Revised drawings showing compliance with these requirements 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. Details of the materials, colours and textures of all the external finishes to the extended dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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.

Donal Donnelly
Planning Inspector

6th November 2018