



An  
Bord  
Pleanála

## Inspector's Report ABP-301755-18

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<b>Development</b>	Construction of a two-storey four-bedroom dwellinghouse, a single-storey garage and associated works
<b>Location</b>	Barrymore townland, Kiltoom, County Roscommon
<b>Planning Authority</b>	Roscommon County Council
<b>Planning Authority Reg. Ref.</b>	PD/18/26
<b>Applicant(s)</b>	Lynda Heavey
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third-Party
<b>Appellant(s)</b>	Gerald and Marian Aherne
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> July 2018
<b>Inspector</b>	Colm McLoughlin

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Barrymore, approximately 4.5km to the northwest of Athlone and 1km west of Lough Ree in the Hodson Bay/Barrymore area of south County Roscommon. The site sits between two dwellings and the immediately surrounding area is characterised by low-density housing with an expansive cluster of single-dwelling developments on plots of differing sizes fronting onto local roads and situated within undulating topography. The Dublin to Mayo railway line runs proximate to the site, with a signalised level crossing on the L-2021 local road approximately 135m to the west of the appeal site. The L-2021 local road connects with the N61 national road, approximately 300m to the west of the appeal site
- 1.2. The appeal site comprises c.0.093ha and is currently overgrown with vegetation. The local road fronting the site has a continuous white line and a 50km/hr speed limit. It serves numerous dwellings, one of which, 'Woodview', is stated to be in part control of the applicant and is adjacent to the east of the appeal site. The site includes approximately 22m frontage onto the local road. Mature hedgerows and trees, including *Leylandii* species, mark the rear and side boundaries of the site, while the roadside boundary is formed by a low stone-clad wall with a recessed entrance gate on the west side. There is approximately a 4m drop in levels over the 40m from the rear to the front of the site.

## 2.0 Proposed Development

- 2.1. The proposed development would comprise the following:
- construction of a four-bedroom detached two-storey dwellinghouse with a stated gross floor area (GFA) of c.268sq.m;
  - construction of a single-storey garage with a stated GFA of c.19sq.m;
  - provision of a vehicular entrance from the L-2021 local road, connections to local services, landscaping and boundary treatments.

**2.2.** In addition to the standard planning application documentation and drawings, the application was accompanied by two letters of consent from the other shared owners of the site to submit the application, as well as the associated land registry details. A revised house design reducing the floor area of the house to a stated GFA of c.228sq.m and additional landscape and boundary treatment details were submitted in response to a further information request from the Planning Authority.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. The Planning Authority issued a notification of a decision to grant permission for the proposed development, subject to 11 conditions of a standard nature.

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

#### **3.2.1. Planning Report**

The initial report of the Planning Officer (March 2018) required further information in relation to the proposed development and noted the following:

- the site is within the development boundary of the Hodson Bay/Barrymore Area Plan and is zoned as 'existing residential', where residential development is permitted in principle;
- 90m sight visibility is available in both directions from the proposed entrance along a local road, which has a speed limit of 50km/hr;
- no capacity issues arise via the proposed connections to local wastewater and water services;
- the site coverage and the extent of 'cut' required could be considered excessive;
- omission of the first-floor western elevation windows and the provision of boundary treatments would, to a degree, address the potential for overlooking.

The second report of the Planning Officer (April 2018) recommended seeking clarification of further information and noted the following:

- reduction in the floor area (by c.40sq.m) and height (by c.0.3m) of the proposed house and planting to the western boundary addresses design and overlooking concerns;
- clarification required regarding roof ridge height and extent of cut.

#### 3.2.2. Other Technical Reports

- Area Engineer – no response received;
- Environment Section – no objection subject to conditions.

### 3.3. Prescribed Bodies

- None.

### 3.4. Third-Party Submission

- 3.4.1. One submission was received by the Planning Authority during consideration of the application. This submission was received from the adjoining residents to the west of the appeal site. The issues raised are covered within the grounds of appeal below.

## 4.0 Planning History

### 4.1. Appeal Site

- 4.1.1. A pre-planning meeting was held in June 2017 under Roscommon County Council (RCC) Reference PP2793 regarding the proposed development of a single-storey detached house on the appeal site. The applicant was advised to review their preliminary proposals with respect to parking, effluent treatment, design, private open space and appropriate assessment. According to the Planning Officer's report, there is no recent planning history relating to the appeal site.

### 4.2. Surrounding Sites

- 4.2.1. There have been numerous planning applications relating to single-housing developments in the immediate area. The site is adjacent to the south of lands currently subject of an application for 21 houses under RCC Ref. PD/17/480, which is under consideration by An Bord Pleanála (under ABP Ref. 300988-18) following a refusal of permission by the Planning Authority for reasons relating to the height and the design of housing, the relationship to neighbouring development and concerns regarding appropriate assessment.
- 4.2.2. The Board has made a decision in relation to the following recent appeal in Ballymore townland:
- ABP Ref. PL20.248962 / RCC Ref. PD/17/237 – Permission refused in February 2018 for a dwellinghouse and a garage approximately 650m to the east of the appeal site, due to the site zoning on ‘transitional agriculture’ land, where new residential development is limited to those with an essential housing need.

## **5.0 Policy Context**

### **5.1. Roscommon County Development Plan**

- 5.1.1. The policies and objectives of the Roscommon County Development Plan 2014-2020 are relevant. The site is within the area covered by the Hodson Bay/Barrymore Area Plan, which is appended to the County Development Plan. Hodson Bay is identified as a tier 3 settlement within the County Settlement Strategy.
- 5.1.2. Chapter 9 of the Development Plan includes Development Management Guidelines and Standards and the following sections are considered relevant:
- Section 9.1.1 - Building Lines
  - Section 9.5.1 – Access;
  - Section 9.5.2 - Roadside Boundaries;
  - Section 9.6.1 - Zoned lands in tiered settlements centres (Tiers 1-3);
  - Section 9.6.7 – Open Space;
  - Section 9.6.8 – Landscaping.

5.1.3. The subject site is zoned 'existing residential' within the Hodson Bay/Barrymore Area Plan. Residential development is permitted in principle on 'existing residential' lands, where it is the stated aim to, inter alia:

- 'Protect and enhance the residential amenities of existing and new residential communities and provide a high level of services within walking distances of residential developments;
- Provide for infill residential development at a density and design appropriate to the area and needs of the community'.

5.1.4. Map 2 of the Plan illustrates that the appeal site has not previously been subject of flooding, while an objective for a 'walkway/local access road' follows the local road to the front of the appeal site. In particular, the following policy and objective of the Area Plan are considered relevant:

- Objective 4.1 - Encourage suitable infill housing developments on appropriate sites within the Plan area;
- Policy 4.3 - new residential development should meet the necessary standards with respect to energy consumption, sanitation and design.

## **6.0 The Appeal**

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

6.1.1. One third-party appeal has been submitted from the adjoining residents to the west of the appeal site. The issues raised can be summarised as follows:

#### Design & Visual Impact

- the siting of the proposed house would break the building line of the appellants' house, would not comply with Development Plan standards in this respect and would set precedent for similar developments;
- design and height is not in scale or character with the adjacent single-storey houses and would not be appropriate for the area and landscape;
- floor area and height of the proposed house would be excessive;

#### Residential Amenity

- bulk, scale and density of development would impact on residential amenities;
- inadequate supply of private amenity space;
- overlooking would arise along the western boundary with the appellants' property and sufficient landscaping would not be achievable to address this due to the extent of retaining walls required;

#### Other Matters

- the applicant should be required to demonstrate their rural housing need to live in this area;
- discrepancies regarding the site area figures are presented;
- Screening for Appropriate Assessment should have been carried out;
- details of retaining walls to address differences in levels on site and between sites should have been provided.

## 6.2. Applicants' Response

6.2.1. The applicant's response to the grounds of appeal can be summarised as follows:

#### Design & Visual Impact

- the building line proposed is considered the most appropriate fit for the site and landscaping would further mitigate the impact of the proposals;
- the proposed design is in keeping with the area, particularly when viewed within the immediate streetscape;
- the proposed development cannot be considered to constitute overdevelopment of the site and would improve the appearance of the area;

#### Residential Amenity

- overlooking is not an issue;
- the applicant would be satisfied to provide further landscaping details in response to a condition of the permission;

#### Other Matters



- Hodson Bay area is a key serviced settlement in the south Roscommon area, proximate to Athlone town, which is designated in the National Planning Framework as a regional growth centre;
- the proposed development of the site for 'residential' use is in compliance with the zoning matrix within the Area Plan;
- Appropriate Assessment will be addressed by the competent authority;
- the applicant would be willing to provide a footpath along the site frontage to address traffic safety issues.

### **6.3. Planning Authority Response**

6.3.1. None.

### **6.4. Observations**

6.4.1. None.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. I consider the substantive planning issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Principle of the Development;
- Design & Layout;
- Residential Amenity.

### **7.2. Principle of the Development**

7.2.1. The proposed development is for a two-storey detached dwellinghouse and a garage on a site within the settlement of Hodson Bay – Barrymore in south County Roscommon. The grounds of appeal assert that the applicant should be required to provide details of whether or not they can comply with Roscommon County Development Plan 2014-2020 'rural housing need' planning policy. In response to

this, the applicant asserts that the Hodson Bay area is a key serviced settlement in the south Roscommon area, proximate to Athlone town, which is designated in the National Planning Framework as a regional growth centre.

- 7.2.2. The subject site is zoned 'existing residential' within the Hodson Bay/Barrymore Area Plan, which is appended to the Development Plan. Residential development is permitted in principle on 'existing residential' lands. In February 2018, An Bord Pleanála refused planning permission (ABP Ref. PL20.248962 / RCC Ref. PD/17/237) for a house 650m to the east of the appeal site, but I note that this neighbouring site is zoned for 'transitional agriculture', where new residential development is limited to those with an essential housing need. The Development Plan does not require applicants for housing on 'existing residential' lands within serviced settlement boundaries to meet a specific housing need. In conclusion, I am satisfied that the principle of developing the site for a house is acceptable, subject to compliance with environmental and planning considerations, as addressed below.

### **7.3. Design & Visual Impact**

- 7.3.1. With regard to serviced infill sites, Objective 4.1 of the Development Plan encourages housing developments within the Hodson Bay settlement to aid the sustainable development and proper planning of the area. Policy 4.3 of the Development Plan requires new residential development to meet the necessary standards with respect to energy consumption, sanitation and design. Where infill housing is proposed it should reflect the character of the street in terms of the building height, proportion and materials. Both the appellants' house to the west and the applicant's property to the east, are single-storey bungalows fronting onto the local road to the south. The proposed house design, as revised at further information stage, provides for a two-storey house with a more contemporary design approach and an additional storey when compared with the adjacent houses. Despite the difference in building height, I am satisfied that the scale, height, proportions and design of the proposed house would not conflict with neighbouring dwellings and would be appropriate for the site. Furthermore, I consider that the introduction of a modest two-storey structure into this streetscape and within the undulating topography, which includes other buildings that are two-storey in height,

would not unduly impact on the character of the area and would not form an incongruous addition to the street.

- 7.3.2. The grounds of appeal assert that the proposed development does not respect the immediate building line and as such would have a detrimental impact on the setting and amenities of their adjacent property. In response, the applicant asserts that the building line, as proposed, was considered the most appropriate in the context of the site constraints and the neighbouring context. The surrounding Hodson Bay area is defined by low-density housing on a variety of plot sizes, where the urban grain is not well-defined and there is a distinctive lack of a defined rhythm to the streetscape. The Development Plan recognises that use of rigid building line setbacks is often not appropriate, including where housing has historically been developed and sited in an informal manner. I consider that the appeal site is located within an area where a fixed building line is not clearly identifiable. Consequently, I am satisfied that the siting of the proposed house on site as proposed would be appropriate relative to the neighbouring context and the provisions of the Development Plan.
- 7.3.3. In conclusion, I am satisfied that the house design, height, scale and proportions and the proposed site layout would not conflict with the established pattern and character of development in the area, and would accord with the policies, objectives and provisions of the Development Plan in this respect. Accordingly, the proposed development should not be refused for this reason.

#### **7.4. Residential Amenity**

- 7.4.1. The grounds of appeal assert that the proposed development would result in overlooking of their adjacent property to the west, due to the positioning of windows on the western elevation of the proposed house. In response to this, the applicant asserts that the revised house design, as submitted at further information stage to the Planning Authority, resulted in the omission of first-floor windows on the western elevation and that overlooking would not arise from ground-floor windows consequent to the proposed provision of landscaping along the western boundary. The proposed ground-floor windows on the western elevation would be approximately 3.5m to 6m from the boundary with the appellants' property and the finished-floor level of the proposed house would be c.2m below the adjacent surface level to the appellants' property (see Site Section Drawing No. 17-126-06 Rev C).

This boundary is proposed to comprise Rowan, Blackthorn and Hawthorn trees, approximately 4 to 6 feet in height according to the site layout plan drawing (no. 17-126-05 Rev B) submitted by the applicant at further information stage. The appellants assert that the extent of 'cut' required for the proposed house, would significantly reduce the potential to provide planting along the western boundary area. The west-facing ground-floor windows would primarily overlook the boundary due to the difference in levels and would partially overlook the front garden area and driveway to the appellants' property. This front area is currently visible from the front street area and it would appear that the private amenity space associated with the appellants' property is located to the rear of the house on site. As the first-floor windows have been omitted from the western elevation and the proposed ground-floor windows would be set off the boundary and would be below the surface level to the front garden area of the appellants' property, I am satisfied that excessive direct overlooking or loss of privacy would not arise and that the provision of a landscaped boundary along the western side, as proposed, would further mitigate against overlooking onto the appellants' property.

- 7.4.2. Having regard to the above considerations, the development would not give rise to an unacceptable impact on residential amenity and should not be refused for this reason.

## **8.0 Appropriate Assessment**

- 8.1. Lough Ree candidate Special Area of Conservation (Site Code: 000440) is located approximately 800m to the east of the appeal site, while the Lough Ree Special Protection Area (Site Code: 004064) is located approximately 920km to the east of the appeal site.
- 8.2. Having regard to the minor nature of the proposed development, including the proposed connections to environmental engineering services, the location of the site in a serviced area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 9.0 Recommendation

- 9.1. I recommend that, subject to conditions, permission be granted for the reasons and considerations set out below.

## 10.0 Reasons and Considerations

- 10.1. Having regard to the 'existing residential' zoning, to the nature and scale of the proposed development, and to the existing pattern of development in the vicinity, it is considered that subject to compliance with the conditions below, the proposed development would not be out of character with existing development within the area, would be acceptable in terms of visual impact, would not seriously injure the residential amenities of the area or of property in the vicinity and would be in accordance with the provisions of the Roscommon County Development Plan 2014-2020, including the Hodson Bay/Barrymore Area Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information received by the Planning Authority on the 13<sup>th</sup> day of April 2018 and on the 2<sup>nd</sup> day of May 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 materials, colours and textures of all the external finishes to the proposed house shall be submitted to and agreed in writing with the

Planning Authority before the commencement of construction of the house.

**Reason:** In the interest of the visual amenities of the area.

3. 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.

4. 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.

5. 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 & 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 & 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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Colm McLoughlin  
Planning Inspector

24<sup>th</sup> July 2018