



An
Bord
Pleanála

Inspector's Report ABP-301772-18

Development	Change of use of bar/guesthouse to six-bedroom guesthouse with ancillary residential unit and 2 no. two-storey rear extensions
Location	Former Hackett's Bar, Rosses Upper, Rosses Point, County Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	17/443
Applicant(s)	Maria & Brendan Mullen
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Fintan & Margaret Ryan
Observer(s)	None
Date of Site Inspection	5 th December 2018
Inspector	Colm McLoughlin

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	5
5.0 Policy Context.....	6
6.0 The Appeal	7
7.0 Assessment.....	9
7.1. Introduction	9
7.2. Impact on Residential Amenities	10
7.3. Parking & Servicing.....	11
7.4. Structural Matters.....	12
8.0 Appropriate Assessment.....	13
9.0 Environmental Impact Assessment - Preliminary Examination	13
10.0 Recommendation	13
11.0 Reasons and Considerations	13
12.0 Conditions	14

1.0 Site Location and Description

- 1.1. The appeal site has a stated area of approximately 0.04ha and is located on the western side of Rosses Point village close to the junction with Columcille Drive, overlooking Oyster Island and Sligo Harbour to the south. The site fronts onto a local road (L-3309), which runs parallel with the R291 regional road on lower ground to the south and the coastline.
- 1.2. Currently on site is a vacant two-storey five-bay former public house and guesthouse building with various extensions and with a gross floor area (GFA) of approximately 441sq.m, set out in a 'U'-shape around a rear courtyard. At ground floor the building features lounge bar areas, a function room, kitchens and facilities for patrons and staff and at first floor there are 11 bedrooms. To the rear is a single-storey outbuilding attached to a retaining wall, while to the front is a glazed single-storey porch extending across three bays. The external finishes to the building features a variety of windows, painted and dashed-plaster walls and blue/black slates to the roof.
- 1.3. Adjacent to the site are single and two-storey residential buildings of different eras fronting onto the local road. The site backs onto a retaining wall and a residential garden. A shared service access lane to the rear courtyard area is provided to the west side of the building, and there is a lay-by area for car parking directly fronting the site along the south side of the local road. Ground levels in the area increase steadily moving northwards away from the coast.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
- demolition and removal of a single-storey front extension, as well as a single-storey outbuilding, an external stairs and a two-storey extension to the rear, with a stated GFA of c.79sq.m;
 - construction of a single-storey front extension (c.18sq.m) with glazed-balustrade balcony above, replacing the previous porch, single-storey rear

store/boiler room (c.11sq.m), 2 no. two-storey rear extensions with a GFA of approximately 98sq.m and change of use of ground-floor bar areas to guesthouse accommodation and ancillary areas;

- revised internal layout to provide guesthouse dining, lounge and kitchen areas and an ancillary residential unit at ground floor and six bedrooms at first floor;
- removal of chimney, new window to rear, replacement windows and signage along the front porch extension.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission for the proposed development, subject nine conditions of a standard nature including:

Condition 3 – structural engineering details and supervision details required.

3.2. Planning Authority Reports

3.2.1. Planning Report

The initial report of the Planning Officer (January 2018) noted the following:

- the proposed development would support the tourism function of Rosses Point, would be compliant with the 'mixed-use' zoning for the site;
- the proposed development would attract less car parking spaces than the existing facility;
- further information is required with respect to:
 - the proposed replacement of windows with uPVC triple-glazed windows, the necessity to use blue / black slate to the roof and the necessity to remove the central chimney stack;
 - the balcony feature should be omitted and the existing porch should be maintained, rather than being replaced by the heavy-set masonry structure;
 - details of the structural stability of the retaining wall in the northwest corner;

- the need to address overshadowing and overlooking of a dwelling adjacent to the northwest, requiring the two-storey rear extension containing a staircase to be revised to include a hipped roof and the first-floor west-facing window to be fitted with obscure glazing;
- surface water drainage details required.

The final report of the Planning Officer (May 2018) reflects the decision of the Planning Authority and noted that the applicants' response to further information addresses the Planning Authority concerns with respect to all items raised.

3.2.2. Other Technical Reports

- Roads – no response on file;
- Area Engineer – initially requested further information with respect to details of parking and surface water drainage and subsequently, had no objection, subject to conditions;
- Environment Section – no comments.

3.3. Prescribed Bodies

- Irish Water – no response on file.

3.4. Third-Party Submissions

- 3.4.1. During consideration of the application by the Planning Authority, one submission was received from the adjoining residents to the northwest and the issues raised are covered within the grounds of appeal below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. Pre-planning discussions (under Sligo County Council [SCC] Ref. PPN3541) between representatives of the Planning Authority and the applicants took place in May 2017. The most recent planning history associated with the appeal site, relates to the following application:

An Bord Pleanála Ref. PL21.231587 / SCC Ref. 08/32 – demolition of the public house/guesthouse and the adjacent properties to the west and east, as

well as use of lands to the rear, for development comprising a 67-bedroom hotel and four apartments in a three-storey building over basement car park. Permission refused in August 2009 by the Board due to the overdevelopment of the site, density, layout and the deficiency in car parking.

4.2. Surrounding Sites

- 4.2.1. Reflective of this urban location, there have been numerous applications on lands in the immediate vicinity of the site, primarily for infill housing and domestic extensions.

5.0 Policy Context

5.1. Sligo County Development Plan 2017-2023

- 5.1.1. General policies and objectives for the County are outlined in Volume 1 of the Sligo County Development Plan 2017-2023, while more specific local policies and objectives are outlined in Volume 2 of the Plan, which includes the Rosses Point Mini-Plan.
- 5.1.2. The Development Plan outlines that Rosses Point performs a special tourism function within commuting distance of Sligo city. Rosses Point is placed in the fourth tier of the county settlement hierarchy where it is identified as a 'village sustaining rural communities'. Options to improve wastewater treatment in Rosses Point are envisaged as part of the Plan, as the current treatment system is operating at capacity. Section 13.6.4 of the Plan outlines that proposals for guest accommodation will be considered with respect to car parking demands, wastewater infrastructure or treatment capacity, residential amenity, signage and the extent of similar uses in the vicinity.
- 5.1.3. The appeal site has a land-use zoning objective for 'Mixed Uses' within the Rosses Point Mini-Plan, where the stated objectives are to:
 - 'a. Encourage an appropriate mix of uses along the old village road, in order to protect the vitality and viability of the village centre.
 - b. 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.

c. Encourage a range of services within the village centre, particularly tourism-related ones’.

5.1.4. Specific local objectives neighbouring the appeal site, include a ‘river walk, pedestrian and cycle link’ on the lower regional road (R291) to the south, which is also a designated scenic route (34) with views of Sligo Bay and Harbour, Coney Island, Knocknarea and Coolera Peninsula, Slieve Dargan, Slieve Daeane, Killery Mountain and the Ox Mountains. Other relevant sections and policy of the Plan include:

- Policy P-TOU-2 – support high-quality tourist accommodation;
- Section 31.2 - Built Heritage;
- Section 31.3 - Circulation & Parking.

5.1.5. Table 13C of the Plan outlines that one car parking space per bedroom is required for guesthouses and 1.5 car parking spaces are required per apartment.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The principal grounds of the third-party appeal can be summarised as follows:

- sufficient time was not afforded to the appellants to make their appeal, due to the administrative errors of the Planning Authority;
- removal of the external stairs and outbuildings may create structural problems along the boundary with the appellants’ property and the information and details provided by the applicants’ engineers is not satisfactory;
- despite the reduced scale and provision of a hipped roof for the proposed replacement two-storey rear extension accommodating an internal stair core, the extension would continue to result in the loss of privacy and natural light to the appellants’ property and would have an overbearing impact when viewed from their property;
- guestrooms would overlook the appellants’ garden area adjoining to the north;

- details of car parking to serve the development are not satisfactory and further consideration regarding traffic and pedestrian movement in the village is required;
- occupancy of the guesthouse may intensify, if it is operated as a hostel.

6.2. Planning Authority Response

6.2.1. The Planning Authority's response to the grounds of appeal states that they have no further comments to make.

6.3. Applicants' Response

6.3.1. The applicants' response to the grounds of appeal can be summarised as follows:

- proposals primarily provide for upgrading of an existing facility to Development Plan standards, providing high-quality modern tourist accommodation to meet demand, as well as meeting safety and regulatory requirements;
- steel supports can be fitted to ensure the continued stability of the retaining wall based on the advice of the project engineers;
- proposals would not diminish the amenities enjoyed by the appellants. The two-storey rear replacement extension accommodating a stairwell would be constructed on ground, approximately one floor level below ground level in the appellants' property, which features a timber fence on the immediate boundary;
- the existing facility, including bar and function room, would attract a much greater car parking demand than the proposed guesthouse, which would have a maximum capacity of 14 persons, as well as a small number of staff;
- scope to address wider traffic concerns are not available to the applicants as part of the planning application process.

6.4. Observations

6.4.1. None received.

6.5.

6.6. Further Submissions

6.6.1. The appellants' response to the applicants' response, includes photographs and can be summarised as follows:

- concerns raised in the initial grounds of appeal are reaffirmed, including those relating to structural stability, car parking and traffic in the village;
- proposals would devalue the appellants' property;
- further structural and screening proposals are required;
- surface level to the appellants' property is level with first-floor level in the existing building and there is a 1.2m-high fence on the boundary between the properties;
- concerns regarding sight visibility, set down requirements and road safety are outlined;
- planning permission should be controlled to restrict occupancy numbers.

7.0 Assessment

7.1. Introduction

7.1.1. Permission is sought for change of use of the existing public house and guesthouse, solely to a guesthouse with an ancillary residential unit. Following demolition and replacement extension works, the floor area of the facility would increase marginally by approximately 19sq.m. Under the provisions of the Sligo County Development Plan 2017-2023, the appeal site is zoned 'Mixed Use' and is subject of objectives to protect the vitality and viability of the village centre, to ensure development is of an appropriate scale and to encourage tourism-related development. The Development Plan recognises the special tourism function of Rosses Point village. The immediate area comprises a mix of uses but is primarily characterised by residential uses. Overall, I consider the principle of the proposed development to be acceptable, subject to assessment of the relevant planning and environmental considerations identified below. Section 13.6.4 of the Plan outlines that proposals for guest

accommodation will be considered with respect to car parking demands, wastewater infrastructure or treatment capacity, residential amenity, signage and the extent of similar uses in the vicinity. Consequently, I consider the substantive planning issues arising from the grounds of appeal and in assessing the proposed development are as follows:

- Impact on Residential Amenities;
- Parking & Servicing;
- Structural Matters.

7.2. Impact on Residential Amenities

- 7.2.1. The appellants' property adjacent to the north comprises a two-storey dwelling, which features a finished-floor level approximately 3m above the finished-floor level of the building on the appeal site. Vehicular access to a driveway is provided to the front and there is a single-storey shed structure in the southeast corner adjacent to the appeal site. The appellants state that in 2013 they acquired land directly to the rear of the appeal site adjoining their property and this area is now used as private amenity area for the house. Adjacent to the east and west of the appeal site are detached residential properties.
- 7.2.2. The grounds of appeal assert that the proposed development would have a detrimental impact on the appellants' enjoyment of their private amenity space adjoining the appeal site to the north. Concerns raised by the appellants primarily relate to the potential for the development to overshadow their property, including the amenity area, and to result in the loss of privacy currently enjoyed, by virtue of increased potential for overlooking. To address concerns raised, the applicants submitted revised proposals to the Planning Authority following a request for further information.
- 7.2.3. The proposed development would feature 2 no. two-storey rear extensions, one within the rear courtyard and one in the northwest corner of the site, which would be between 1.1m and 1.6m from the appellants' boundary. The layout of the rear wing to the building would be revised and I note that currently there are bedroom windows at first-floor level facing towards the appellants' garden area, c.1.5m to the north. The extension in the northwest corner would replace an existing external staircase,

would accommodate an internal staircore and would extend the width of the rear wing to the proposed the guesthouse by approximately 2.4m. The difference in levels and the boundary treatments between the appellants' property and the existing buildings are illustrated in Drawing No.569/15 submitted by the applicants in response to the grounds of appeal. Within the rear wing, the proposed north-facing ground-floor windows and the west-facing door would open onto retaining wall features. At first-floor level, the rear wing would feature a west-facing window, which the applicants state would be fitted with obscure glazing, while the proposed north-facing windows would serve an internal corridor for the guesthouse and would look directly onto a timber fence fixed onto the retaining wall. Consequently, I am satisfied that potential for undue direct overlooking does not arise from the proposed development. Furthermore, while I recognise that the proposed extension would be to the south of the appellants' property, given the difference in ground levels between the properties (c.3m), the height and scale of the proposed two-storey extension relative to the existing development and the size and scale of the amenity area serving the appellants' property, I am satisfied that potential for excessive overshadowing of private amenity areas or significant loss of sunlight or daylight to living areas would not arise. In conclusion, the proposed development should not be refused for reasons relating to the impacts on residential amenities.

7.3. Parking & Servicing

- 7.3.1. The grounds of appeal assert that adequate provision has not been made for parking and servicing for the proposed development. The appellants also raises concerns regarding the safety of pedestrians and road-users in the village. In response, the applicants highlights that the existing development attracts a much greater car parking demand than the proposed guesthouse.
- 7.3.2. During my site visit there was extensive car parking available to the front of the premises along the street and along a lay-by area opposite the site that has not been formally marked out, and ample scope for vehicles to set down is also available. Based on Development Plan standards requiring one car parking space per bedroom in a guesthouse, exclusive of the bar and function areas, the existing 11-bedroom facility would require 11 car parking spaces. The proposed 6-bedroom guesthouse and ancillary apartment (1.5 spaces per apartment) would require 7.5 car parking

spaces in total. Consequently, based on Development Plan standards there would not be an increased demand on parking in the area as a result of the proposed development. The potential occupancy (population equivalent) of the guesthouse would also reduce as a result of the proposed development and this would not place increased demands on the local wastewater treatment plant, which is noted in the Plan to be operating at capacity.

- 7.3.3. In conclusion, I am satisfied that the proposed development would provide for adequate servicing and parking arrangements for the proposed development, would not unduly restrict pedestrian or traffic movement in the area and would not be prejudicial to public health. Accordingly, the proposed development should not be refused for reasons relating to parking and servicing.

7.4. Structural Matters

- 7.4.1. The grounds of appeal assert that the applicants have not adequately demonstrated that the proposed works would not have a detrimental impact on the structural integrity of the retaining wall on the boundary with their property, as part of the works involving the removal of external steps, toilet and stores in the northwest corner of the site. The appellants highlight that the retaining walls are constructed of plastered blockwork and that there is a visible crack in the retaining wall, which is not referenced by the applicants. It is asserted in the grounds of appeal that structural damage to the retaining wall would have knock-on implications for the appellants' house.
- 7.4.2. This issue was the subject of a further information request by the Planning Authority. Correspondence and drawings from a civil and structural engineer submitted with the further information response addressed the concerns to the satisfaction of the Planning Authority. The applicants proposed the provision of lateral restraints to support the blockwork wall and identified that three universal column stanchions would be fixed to concrete foundations in order to buttress the retaining wall. A method statement is noted to be required by the engineer for undertaking same. The Planning Authority's notification of a grant of permission includes a specific condition (3) relating to this matter, requiring the aforementioned removal works to be supervised by a structural engineer and details to be submitted to the Planning Authority. Subject to a similar condition, including the requirement for a detailed

method statement for the proposed works to be submitted and agreed with the Planning Authority, I am satisfied that the applicants' proposals in this regard adequately demonstrates that the required site works would not undermine the integrity of the foundation of the existing retaining wall. Accordingly, permission for the proposed development should not be refused for reasons relating to the potential impact of the proposed development on the structural integrity of the retaining wall and adjacent house.

8.0 Appropriate Assessment

8.1. Having regard to the minor nature of the proposed development and the location of the site in a serviced urban 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 Environmental Impact Assessment - Preliminary Examination

9.1. Having regard to the nature and scale of the proposed development and the location of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

10.0 Recommendation

10.1. I recommend that planning permission should be granted for the proposed development, subject to conditions, as set out below.

11.0 Reasons and Considerations

11.1. Having regard to the nature, scale and location of the proposed development, the existing development on site, the zoning of the site for 'mixed-use' development in the Sligo County Development Plan 2017-2023, which also recognises the special tourism function of Rosses Point, and the pattern of development in the area,

including surrounding uses, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not have a detrimental impact on the structural stability of adjoining structures and property, and would be in accordance with the provisions of the Sligo County Development Plan 2017-2023. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 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 13th day of April, 2018, and by the further plans and particulars received by An Bord Pleanála on the 3rd day of July, 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. Prior to the commencement of development, detailed structural drawings and a construction methodology statement, detailing how it is proposed to ensure the protection of the structural stability and fabric of the retaining wall structure, shall be submitted to and agreed in writing with the Planning Authority. These details shall specifically include the methods proposed to part dismantle the external steps and stores, demolition and excavation arrangements, the proposed foundation system and underpinning, structural bracing and supports, the method of construction and details of supervision by a suitably qualified person.

Reason: In the interest of orderly development and preserving the integrity of retaining structures.

3. Details of the materials, colours and textures of all the external finishes to the building 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. Details of all signage and lighting shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

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

5. 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.

6. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be

submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

8. 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.

Colm McLoughlin
Planning Inspector

20th December 2018