



An
Bord
Pleanála

Inspector's Report ABP-303027-18

Development	Construction of a three-storey four-bedroom dwellinghouse, vehicular access, retaining walls and associated works
Location	Cortober townland, Carrick-on-Shannon, County Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	PD/18/188
Applicant(s)	Saju Prahaba
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Kevin & Connie Duffy
Observer(s)	None
Date of Site Inspection	10 th February 2019
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Cortober, on the southwestern side of Carrick-on-Shannon in northeast County Roscommon. The site fronts onto the N4 national primary road and Cortober riverside park. The closest neighbouring properties along the national road comprise detached and terraced housing to the southwest on Highfield Terrace, which are set back from the roadside, and a two-storey detached house, Chestnut Lodge, to the northeast, which opens directly onto the roadside. The N4 crosses the river Shannon approximately 150m to the northeast of the site. The site backs onto terraced housing on higher ground along Shannon View.
- 1.2. The appeal site comprises c.0.12ha and is currently overgrown with vegetation. There are Sycamore trees located to the rear of the site and a mature Ash tree to the front. The national road fronting the site features a continuous white line, footpaths on both sides and a 50km/hr urban-speed limit. The site includes approximately 35m frontage onto the national road, which is marked by a low stone wall, supplemented by raised shrub beds and a post and wire fence. There are various infrastructures, including telecom wires and road signage positioned along the front of the site. The southwest side boundary with No.3 Highfield Terrace is marked by a timber rail fence and the northeast side boundary is formed by a concrete wall. A right of way through a narrow laneway is stated to be available to the rear of the site off Shannon View. The site rises steeply and steadily away from the national road, with approximately a 12m increase in levels over a distance of 40m from the front to the rear of the site.

2.0 Proposed Development

- 2.1. The proposed development would comprise the following:
- construction of a four-bedroom detached three-storey dwellinghouse with a stated gross floor area (GFA) of c.322sq.m;
 - demolition and removal of the front boundary wall and provision of a vehicular entrance from the national road, connections to local services, excavation and

groundworks, landscaping and boundary treatments, including retaining wall structures.

- 2.2.** A revised house design with computer-generated images and additional landscape and boundary treatment details was 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 17 conditions of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Report

The initial report of the Planning Officer (June 2018) noted that unsolicited further information was submitted by the applicant in response to third-party submissions. The report requested further information in relation to the following:

- revised house design to address the site prominence and immediate context;
- 215m unobstructed sight visibility in both directions from the proposed entrance along the N4 from a point set back 3m from the roadside;
- boundary treatments to protect residential amenities;
- proposals to relocate road signage and infrastructure along the roadside;
- detailed landscaping proposals.

The final report of the Planning Officer (October 2018) noted that the response of the applicant to the further information items was adequate and reflects the Planning Authority's recommendation to grant permission.

3.2.2. Other Technical Reports

- Town Centre Planning Unit – no objection in principle, subject to revisions and further details;

- Roads Department – initially requested further information regarding sightlines;
- Environment Section – no objection, subject to conditions;
- Area Engineer – no response.

3.3. Prescribed Bodies

- Irish Water – no response.

3.4. Third-Party Submissions

- 3.4.1. Two submissions were received by the Planning Authority during consideration of the application, including one submission from the residents of No.3 Highfield Terrace, adjacent to the southwest of the appeal site, and one submission signed by ten local residents of the Cortober area. All the issues raised are covered within the grounds of appeal below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. 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. Recent planning applications in the immediate area, primarily relate to alterations to existing domestic and commercial properties. The following planning application relates to No.3 Highfield Terrace:
- Roscommon County Council (RCC) Ref. PD/06/367 – permission granted in May 2006 for a two-storey dwellinghouse with living space in the attic, an undercroft garage, connections to services and a vehicular entrance to off-street car parking.

5.0 Policy & Context

5.1. Roscommon County Development Plan

5.1.1. The policies and objectives of Roscommon County Development Plan 2014-2020 are relevant. The site is within the area covered by the Cortober Area Plan, which is appended to the County Development Plan. Cortober is identified as a tier 3 settlement within the County Settlement Strategy, where it is envisaged to develop as part of the cumulative settlement of Carrick-on-Shannon.

5.1.2. The subject site is zoned 'existing residential' within the Cortober 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'.

5.1.3. Policies 3.1 to 3.14 and Objectives 3.1 and 3.2 of the Area Plan specifically address proposals for residential development, with Policy 3.7 and Objective 3.1 both encouraging suitable infill housing developments on appropriate sites within the Plan Area. The Area Plan also states that:

- 'Where infill housing or higher-density development is proposed, it should reflect the existing character of the street and/or immediate area in terms of height, proportion and materials used. Generally, proposals will be required to maintain existing building lines and to respect existing roof pitches, fenestration and other details.'

5.1.4. Chapter 9 of the Development Plan includes Development Management Guidelines and Standards and the following sections are considered relevant to this appeal:

- Section 9.6.1 - Zoned lands in tiered settlements centres (Tiers 1-3);
- Section 9.6.3 – Layout and Design Considerations;
- Section 9.6.8 – Landscaping;

- Section 9.38 - Additional Development Management Standards (Traffic Safety & Sightline Visibility).

5.2. National Guidelines

5.2.1. The following national guidelines are considered relevant in the consideration of this appeal:

- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (2009);
- The Planning System & Flood Risk Management – Guidelines for Planning Authorities (2009).

5.3. Environmental Impact Assessment - Preliminary Examination

5.3.1. 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. One third-party appeal has been submitted from the residents of No.3 Highfield Terrace, adjacent to the southwest of the appeal site. The issues raised can be summarised as follows:

Design & Visual Impact

- no objection in principle to a large house centrally positioned on the site, to an appropriate scale and reflective of the established pattern of development, including the traditional and recent housing along Highfield Terrace;

- proposed house fails to complement the waterfront location and is out of character with the existing streetscape, including the appellants' house, which was built in 2007-08 under RCC Planning Ref. PD/06/367 and, as such, the proposed development would be contrary to the 'existing residential' zoning objectives for the site;
- the revised house design provided in response to the further information request, fails to provide an appropriate design solution and represents an over-dominant and monolithic response to the development of the site;

Residential Amenity

- the proposed house would have an overbearing impact on neighbouring property, given its proximity to boundaries, and it would also restrict views from neighbouring gardens;
- proposals facilitate overlooking into the appellants' neighbouring property via the rear raised terraced gardens;

Traffic and Pedestrian Safety

- adverse conditions for traffic and pedestrian safety would arise, consequent to the introduction of a new vehicular access onto the already congested N4;
- the required sightlines of 215m in both directions cannot be achieved and the Council's Roads Section has failed to comment on the finalised plans;

Other Matters

- the assessment by the Planning Authority was flawed and there was an inconsistency in the decision-making process, with a changeover of Planning Officers considering the initial and revised proposals under this application;
- the public should have been afforded an opportunity to respond to the further information submitted, as this was significant;
- proposals have potential to lead to destabilisation of neighbouring houses and movement to gardens during construction works.

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 proposed infill development would be of an appropriate design, layout and scale, would be in keeping with the character of the area, including the appellants' house, and meets the specific requirements of the applicant's family;
- housing styles in the vicinity vary considerably, including Victorian-style 1930s terraced housing, an early 20th-century house (Chestnut Lodge) and the appellants' more recent addition to the streetscape;
- rationale for refusal of planning permission based on comparisons between the scale and design of the proposed house and the appellants' house have not been sufficiently substantiated by the appellants;
- the site and the immediate context has capacity to absorb a contemporary modern house that would add to the visual interests of the area;

Residential Amenity

- detailed boundary treatments are set out to provide an appropriate aesthetic and biodiversity response in developing the site, as well as preventing overlooking to the appellants' property. The proposed house would also allow for passive surveillance of the front street area;
- potential to significantly reduce sunlight and daylight to the appellants' neighbouring house would not arise given the minor difference in rear building lines (1.6m);
- the separation distance (c.4.5m) between the proposed house and the appellants' house would provide an appropriate visual separation and ensure that the proposals are not overbearing from the appellants' property;
- the proposed layout, including the loss of natural light that would arise, would not be uncommon in an urban context such as this;

Traffic & Pedestrian Safety

- sight visibility of 94m to the east and 100m to the west would be available from the proposed vehicular entrance, which would be similar to that available from the entrance to the appellants' property;

- sight visibility of 215m is not required in a built-up area, as was recognised in the Planning Authority's recommendation to grant permission, which stated that the proposed development would not result in traffic hazard;
- alterations to the front street layout would provide for additional on-street car parking and improved pedestrian movement and safety;

Other Matters

- the assessment undertaken by the Planning Authority was fair and objective;
- sufficient space to allow for access and maintenance to the appellants' house has been provided;
- detailed structural and civil engineering details would be provided prior to the commencement of development to address structural matters and potential for soil slippage.

6.3. Planning Authority Response

6.3.1. The Planning Authority did not respond to the grounds of appeal.

6.4. Observations

6.4.1. None received.

7.0 Assessment

7.1. Introduction

7.1.1. The proposed development is for a three-storey detached dwellinghouse within Cortober on the southwest side of Carrick-on-Shannon. The site comprises zoned 'existing residential' land within the Cortober Area Plan, which is appended to the Roscommon County Development Plan 2014-2020. 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. Consequently, 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:

- Design & Visual Impact;
- Residential Amenity;
- Traffic & Pedestrian Safety;
- Structural Matters;
- Flood Risk.

7.2. Design & Visual Impact

- 7.2.1. The grounds of appeal assert that the proposed house design and scale is not in keeping with existing housing along the immediate street. Furthermore, it is considered that the proposed house is over dominant and that it should be repositioned centrally within the site and reduced in scale. In response to this, the applicant asserts that the proposed house design, layout and scale are very much in keeping with the character of the immediate streetscape, which is characterised by a variety of house designs, and that the infill site and immediate streetscape can readily absorb a contemporary house. When recommending to grant planning permission for the proposed development, the Planning Officer stated that the 'modern and radical departure from the vernacular in this area, will not give rise to an adverse impact upon the character of the area'.
- 7.2.2. With regard to serviced infill sites, Policy 3.7 and Objective 3.1 of the Cortober Area Plan, both encourage suitable infill housing developments on appropriate sites. The Area Plan also outlines that where infill housing is proposed it should reflect the character of the street in terms of the building height, proportion and materials. Proposals will also be required to maintain existing building lines and to respect existing roof pitches, fenestration and other details. The appellants' house to the southwest is set out over three-storeys with an undercroft garage and broadly follows the height, scale, proportions, roof pitch and building line of the adjacent terrace of Victorian-style housing to the southwest. Adjacent to the northeast is a two-storey detached house that opens directly onto the roadside. Ground levels on the appeal site and within the adjacent properties rise steadily and steeply to the rear.
- 7.2.3. The proposed house, as revised at further information stage, incorporates a contemporary design approach, with the scale of the build primarily broken up by the

composition of two distinct two-storey and three-storey elements. The house would be positioned c.11m from the northeast boundary and c.1.5 to 2.3m from the southwest boundary. This would allow for the applicant to avoid cutting into the steepest ground located along the northeastern boundary. The front building line, roof ridge height and primary roof pitch would follow that currently established by the housing to the southwest, as illustrated in CGIs accompanying the further information response. Consequently, the scale and layout of the proposed house would largely conform to the established character. Despite the difference in general proportions and the contemporary design approach, when compared with the more traditional and vernacular neighbouring housing, I am satisfied that the proposed development represents a considered response to the development of this infill site, which would not conflict with the character of neighbouring dwellings and would contribute to the architectural form in this urban area. Consequently, the proposed house design would not unduly impact on the character of the area and would not form an incongruous addition to the streetscape. Accordingly, the proposed development should not be refused for reasons relating to design and visual impact.

7.3. Residential Amenity

- 7.3.1. The grounds of appeal assert that the proposed development would result in overlooking of their adjacent property to the southwest, due to the provision of a raised lawn area in the rear garden to the proposed house. In response to this, the applicant asserts that the revised layout and boundary treatments, as provided at further information stage, would prevent overlooking of the neighbouring property.
- 7.3.2. The proposed raised lawn would be set off the boundary with the appellants' house by c.4m and would be positioned c.14m from the rear elevation of this adjacent house. The revised boundary treatments for the southwestern side boundary would comprise a hornbeam hedge, to be maintained to a height of 1.8m, supplemented by a 1.2m-high post and galvanised wire fence (as per the Landscaping and Boundary Treatment Drawing No. 1704-P(FI)-08). The proposed relationship between the raised lawn area and the appellants' property, with the boundary in situ, is further illustrated in CGIs within Drawing No. 1704-P(FI)-07. Given the elevation of the lawn over the appellants' private rear garden area, I would consider it appropriate in these circumstances for some form of screen to be installed to prevent overlooking. The

proposed hornbeam hedge would take time to mature and the galvanised post and wire fence proposed would not offer an immediate and solid screen. Consequently, a revised boundary treatment, to include a solid screen element, should be provided along the southwestern boundary to the rear of the proposed house. Subject to this condition, I am satisfied that excessive direct overlooking or loss of privacy would not arise.

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

7.4. Traffic & Pedestrian Safety

- 7.4.1. The grounds of appeal assert that the proposed development would result in adverse conditions for traffic and pedestrian safety, consequent to the introduction of a new vehicular access onto an already congested N4 and where the required sightlines of 215m in both directions cannot be achieved. In initially considering the application, the Council's Roads Section advised the Planning Officer that the 'sight distance on the east side falls well short' of the distance required on a national route. The further information response of the applicant stated that 94m sight visibility to the east and 100m to the west would be achievable. The Roads Section did not respond regarding the further information submission. In recommending a grant of planning permission, the Planning Officer noted that the proposed access arrangements would be satisfactory in light of the speed restrictions in place, the level of pedestrian and traffic activity and the extent of similar access arrangements in the area. In response to the grounds of appeal the applicant states that the proposed arrangements would be similar to those available at the appellants' adjoining vehicular entrance.
- 7.4.2. Section 9.38 of the Development Plan addresses development standards with respect to sightline visibility, but this does not include standards relating to new accesses within the 50km/hr speed-limit zones for towns and villages. However, the Plan does state that the 'development by itself or combined with another or other development shall not give rise to a traffic hazard'. The stated sight visibility of 94m to the east and 100m to the west would both be obstructed by virtue of the existing

and proposed on-street car parking. Furthermore, visibility of oncoming traffic to the northeast would not be available for the stated distance of 94m.

- 7.4.3. Traffic speeds in this built-up area are restricted by virtue of the speed limit restrictions and the volume of traffic on the road. Given the nature of the development, I am satisfied that the proposed development would not result in a significant number of traffic movements traversing the path at this location. Furthermore, sight visibility available and the general access arrangements for the proposed vehicular entrance would be very much the standard in an urban context such as this. Consequently, I am satisfied that the access and egress arrangements would not lead to hazard for road traffic and pedestrians and the proposed development should not be refused for this reason.

7.5. Structural Matters

- 7.5.1. The grounds of appeal assert that the proposed works would have a detrimental impact on the structural integrity of their adjacent property. In response to this, the applicant states that detailed structural and civil engineering details would be provided prior to the commencement of development to address structural matters, including the potential for soil slippage. Drawing No.1704-P(FI)08 submitted in response to the Planning Authority's further information response, provides a section detail of the proposed boundary with the appellants' property, including a c.1.8m-high boundary wall between the appellants' house and the proposed house. A set of concrete stairs leading from the front of the site to the rear of the house would adjoin the side boundary wall and the side wall of the proposed house. The appellants' house is on a similar level to the proposed house and the development would feature extensive retaining wall structures to accommodate the house and the rear terrace. Consequently, I am satisfied that there would not be significant potential for the proposed development to undermine the structural integrity of the adjacent property. Accordingly, permission for the proposed development should not be refused for reasons relating to structural matters.

7.6. Flood Risk

- 7.6.1. There have been numerous well-documented flood incidents in the immediate area, as identifiable from the Office of Public Works indicative fluvial flood maps (floodinfo.ie). The Catchment Flood Risk Assessment and Management Study (CFRAMS) maps reveal that the proposed development site and the national road immediately fronting the site are not within Flood Zone A or B for fluvial flooding and they are therefore located entirely in Flood Zone C, where the probability of flooding is low. For the purposes of flood risk assessment, the proposed residential development would be an appropriate development in Flood Zone C based on Tables 3.1 and 3.2 of 'The Planning System & Flood Risk Management - Guidelines for Planning Authorities'. This suggests that the site is suitable for the proposed development from a flood-risk perspective. Accordingly, the proposed development should not be refused permission for reasons relating to flood risk.

8.0 Appropriate Assessment

- 8.1. 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 permission should be granted for the proposed development, subject to conditions, for the reasons and considerations, as 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, would be acceptable in terms of pedestrian and traffic safety and would be at low risk from flooding. 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 4th day of October 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 proposed development shall be amended as follows:

The proposed galvanised wire fence along the southwestern boundary shall be omitted and replaced with a solid screen boundary treatment.

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 protecting the residential amenities of adjoining property.

3. 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.

4. Water supply, access and drainage arrangements, including the disposal of surface water and the repositioning of roadside signage, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health.

5. 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.

6. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

7. 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.

Colm McLoughlin
Planning Inspector

11th February 2019