



An  
Bord  
Pleanála

## Inspector's Report ABP-303028-18

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|-------------------------------------|---|
| <b>Development</b>                  | Single-storey lean-to side extension and a revised front boundary treatment and access location |
| <b>Location</b>                     | 12 Orchard Grove, Ballyraine, Letterkenny, County Donegal                                       |
| <b>Planning Authority</b>           | Donegal County Council  |
| <b>Planning Authority Reg. Ref.</b> | 18/51368  |
| <b>Applicant(s)</b>                 | Eddie & Annette Tobin   |
| <b>Type of Application</b>          | Retention Permission  |
| <b>Planning Authority Decision</b>  | Split   |
| <b>Type of Appeal</b>               | First-Party v Refusal   |
| <b>Appellant(s)</b>                 | Eddie & Annette Tobin   |
| <b>Observer(s)</b>                  | None  |
| <b>Date of Site Inspection</b>      | 23 <sup>rd</sup> January 2019   |
| <b>Inspector</b>                    | Colm McLoughlin   |

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in Orchard Grove, a residential estate in the Ballyraine area of Letterkenny, which is accessed off the N56 national secondary road, and is located approximately 1.5km to the east of the town centre.
- 1.2. It contains a two-storey detached house with a car shelter to the front. The external finishes to the house on site include painted render to the walls, aluminium pvc windows and a roof finished with blue/black tiles. To the side of the house is a single-storey lean-to extension connecting with a single-storey garage to the rear. The property has been extended to the rear and comprises a large garden area to the west side with over 40m frontage onto the estate access road (L-10096-1). There is a small shed in the northwest corner of this garden area. The 1.8m to 2.3m-high boundary along the front and east side of the site, comprises a rendered low wall supplemented by piers at intervals connected via loose-fitting timber boards. The rear boundary to the shallow rear amenity area features extensive retaining wall structures.
- 1.2.1. The surrounding area is primarily characterised by low-density detached housing. Pedestrian access to the estate and a vehicular turning area is available to the east of the site. The site backs onto housing along Ramelton Road (R940). Ground levels in the vicinity drop steadily in a southeast direction.

## 2.0 Proposed Development

- 2.1.1. The proposed development for retention comprises the following:
  - a single-storey flat roof lean-to side extension with a gross floor area of approximately 42sq.m;
  - replacement of the boundary wall and gate fronting the house and to the east side, with a new boundary of between approximately 1.8 and 2.3m height, featuring a rendered low wall supplemented by piers at intervals connected via loose-fitting timber boards;
  - revised location (c.6m to the west) for the vehicular access off Orchard Grove.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The Planning Authority issued a notification of a split recommendation for the development. Retention permission for the revised front and side boundary treatments and the relocated access was refused for the following reason:

**Reason 1.** – proposed retention would be contrary to Policy UB-P-27 of the Development Plan given that the boundary treatments and access fail to integrate with the site, result in a fortified appearance to the property, fail to provide safe access, result in traffic and pedestrian safety concerns and would result in precedent for similar development.

- 3.1.2. A recommendation to grant retention permission for the single-storey lean-to side extension was issued, subject to one standard condition.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report

The report of the Planning Officer (October 2018) reflects the split recommendation of the Planning Authority and noted the following:

- the overall design of the existing lean-to covered and enclosed area to the side is acceptable;
- design, form, scale and height of the revised boundary treatments fail to integrate with the subject site and the resultant fortified appearance is contrary to the overall landuse zoning objective for the site;
- an extension to a house should provide safe access. The revised entrance and boundary treatment offer limited visibility that would lead to serious traffic and pedestrian problems.

#### 3.2.2. Other Technical Reports

- Roads & Transportation - no objection, subject to conditions.

### **3.3. Prescribed Bodies**

3.3.1. None requested.

### **3.4. Third-Party Submission**

3.4.1. A submission was received by the Planning Authority during consideration of the application, from the adjoining residents of No.13 Orchard Grove. The issues raised can be summarised as follows:

- the objection only relates to the boundary treatments;
- boundary treatment exceeds exempted development regulations;
- the revised boundary creates a hazard for road users and pedestrians, including children, with visibility restricted for vehicles exiting from No.13.

## **4.0 Planning History**

### **4.1. Appeal Site**

4.1.1. The following planning applications relate to the appeal site:

- Donegal County Council (DCC) Ref. 15/51359 – permission granted in January 2016 for extensions and alterations to the house, including provision of rooflights, a replacement rear sunroom, a single-storey rear extension and a car shelter front extension;
- DCC Ref. 14/50736 – permission granted in September 2014 for a single-storey rear extension and alterations to the house;
- DCC Ref. 99/88028 – retention permission granted in July 1999 for a front boundary wall to the house.

### **4.2. Surrounding Sites**

4.2.1. Reflective of the suburban context for the appeal site, there have been numerous planning applications for domestic extensions and change of use proposals in recent years on neighbouring properties.

## 5.0 Policy & Context

### 5.1. Donegal County Development Plan

- 5.1.1. Statutory planning policies and objectives for Letterkenny are contained within the Donegal County Development Plan 2018-2024. The appeal site has a landuse zoning objective 'established development', where it is a stated objective 'to conserve and enhance the quality and character of the area, to protect residential amenity and allow for development appropriate to the sustainable growth of the settlement subject to all relevant material planning considerations'.
- 5.1.2. Relevant planning policies for the proposed development are set out under Section 6.2 (Urban Housing) and Appendix 3 (Development Guidelines and Technical Standards) within Parts A & B of the Development Plan. Policy UB-P-12 of the Plan seeks to 'protect the residential amenity of existing residential units and to promote design concepts for new housing that ensures the establishment of reasonable levels of residential amenity'. Also relevant to the subject appeal is Policy UB-P-27 of the Plan, which states the following:
- 'Proposals for extension to a dwelling shall be considered subject to the following criteria:
    - (a) The development reflects and respects the scale and character of the dwelling to be extended and its wider settlement;
    - (b) Provision is made for an adequate and safe vehicular access and parking; and
    - (c) The proposal would not adversely affect the amenity of adjoining properties'.
- 5.1.3. Two car parking spaces per house are required based on Table 6 in Appendix 3 of the Plan.

### 5.2. Environmental Impact Assessment - Preliminary Examination

- 5.2.1. Having regard to the nature and scale of the proposed development for retention and the location of the site, there is no real likelihood of significant effects on the environment arising from the 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. The appellant only wishes to appeal those elements of the proposed development for retention that have been refused permission by the Planning Authority. The grounds of appeal can be summarised as follows:

#### Visual Amenities

- the revised boundary treatments provide for improvements and enhancements to the property;
- the reason for refusal of the revised boundary treatments based on Policy UB-P-27 is inappropriate, as this policy relates to extensions to houses;
- revised boundaries and gates were put in place to address security concerns and additional correspondence from the appellants is appended to the grounds of appeal explaining this further;
- the character and appearance of the boundary has been designed based on architectural advice, including a modern design approach and high-quality materials, in order to integrate with the streetscape and the house on site;
- the appeal site house and the adjoining house at No.13 are situated on plots that differ in size and context to the standard plots within the estate.  
Consistency in boundary treatments throughout the estate does not occur and is not necessary;

#### Traffic & Pedestrian Safety

- the traffic engineer assessing the proposed development for retention did not have concerns regarding traffic and pedestrian safety and it appears that the basis for refusing permission on these grounds emanates from the third-party submission received;

- the estate access road is lightly-trafficked, with only 11 houses to the west within the estate passing the appeal site;
- the revised vehicular access location is safer than the previous access, given the increased separation from the access serving the adjoining house;
- pedestrian safety would not be compromised by the height of the boundaries.

## **6.2. Planning Authority Response**

- 6.2.1. The Planning Authority responded to the grounds of appeal to state that they consider the Planning Officer's report to fully address all matters raised.

## **6.3. Observations**

- 6.3.1. None received.

## **7.0 Assessment**

### **7.1. Introduction**

- 7.1.1. I am satisfied that the single-storey lean-to side extension, as recommended for a grant of retention permission by the Planning Authority, would be in keeping with the scale and design of the existing house and would not unduly interfere with neighbouring residential amenities. I also note that the third-party submission received from the adjoining residents to the east did not raise an objection to this element of the proposed development for retention. Consequently, I am satisfied that the remainder of my assessment below focuses on the proposals to retain the front and side boundary treatments and the revised vehicular access location, which have been recommended for refusal by the Planning Authority.
- 7.1.2. Accordingly, I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:
- Design & Amenities;
  - Traffic & Pedestrian Safety.



## **7.2. Design & Amenities**

- 7.2.1. The Planning Authority's decision to refuse retention permission for the revised boundary treatments centres on the proposals being contrary to Policy UB-P-27 of the Development Plan. Policy UB-P-27 requires proposals for extensions to houses to be considered subject to three criteria, including the need for development to reflect and respect the scale and character of the house to be extended and its wider settlement. The grounds of appeal assert that the assessment of the proposed revised boundary treatments against the terms of Policy UB-P-27 is not appropriate, given that this policy is in respect of 'extensions to a dwelling' and, therefore, does not specifically relate to proposals for boundary treatments.
- 7.2.2. The Planning Authority's reason for refusal of the revised boundary treatments also refers to the concerns with respect to the failure of the boundaries to integrate with the house and the resultant fortified appearance of the property. In response to this, the grounds of appeal assert that the proposed boundary treatments for retention have been designed to a high-architectural quality and that the proposals are in keeping with the character of the streetscape and the house on site. The appellants also assert that there are functional security reasons necessitating the revised higher boundary treatment and that a ubiquitous approach to boundary treatments is not necessary, given the differing context and plot size of the appeal site, when compared with other properties within the residential estate.
- 7.2.3. The subject site and surrounding area does not have any conservation status. The boundary wall fronting the house on the appeal site is approximately 1.8m to 2.3m in height and features a rendered low wall supplemented by piers at intervals connected via loose-fitting timber boards. The contemporary design approach and the height of the appeal site boundary differs from the boundaries to other housing within the estate, which generally comprise a mixture of low stone walls and hedgerows less than 1m. The house on site has been recently extended and features new elevational treatments, including cladding to the front projection and white-painted render to the walls. The materials used in the revised boundaries complement those used in the existing house. The house on site does not benefit from an expansive rear garden, but does feature an extensive garden area to the west side, which is enclosed by a timber panel fence along the roadside frontage

with an average height of c.1.8m. This timber fence does not form part of the development for retention. The height of the proposed boundaries for retention follow the height of the timber fence to the garden area. The 'loose-fitting' boards provide some glimpses of the house on site from the front street and in my opinion this breaks up the appearance of the boundary, ensuring it would not result in an overly-defensive finish to the boundaries. I am satisfied that the setting and character of the existing house on site would not be compromised by the revised boundary treatments and I do not consider that the boundary treatments would set precedent for similar development on other sites in the immediate area, particularly considering the site context within the estate. Furthermore, I am satisfied that the revised boundary treatments cannot be considered to conflict with Policy UB-P-27 of the Plan.

- 7.2.4. In conclusion, the design, appearance, scale and height of the revised boundary treatments can be satisfactorily absorbed into the streetscape and would not detrimentally impact on the visual amenities of the area. Accordingly, retention permission for this element of the development should not be withheld for reasons relating to design and visual amenities.

### **7.3. Traffic & Pedestrian Safety**

- 7.3.1. The existing house is served by a vehicular entrance off the local estate access road, which features a footpath along the frontage of the appeal site. The previous vehicular access serving the house on site was positioned approximately 6m further to the east, adjoining the entrance to the adjacent property, No.13. The Planning Authority's decision to refuse permission was partly based on their concerns with respect to the provision of safe access from the site and the resultant impact on traffic and pedestrian safety. In response to this, the grounds of appeal assert that the Planning Officer assessing the proposed development failed to recognise that the response from the Council's Roads & Transportation Section did not raise concerns regarding traffic and pedestrian safety. It is also asserted in the grounds of appeal that the estate access road does not cater for heavy volumes of traffic, as it only caters for 11 houses to the west of the appeal site. Furthermore, it is asserted in the grounds of appeal that the revised access location is in a safer position than the previous access adjoining the neighbours' access.

7.3.2. The proposed entrance to be retained is of a scale, design and layout that would be standard for a residential estate. I note that the Roads and Traffic Department of the Council did not object to the proposed development for retention and I am satisfied that the access and egress arrangements would not lead to hazard for road traffic and pedestrians, given the low level of traffic and pedestrians that use the estate access road fronting the site, the restricted traffic speeds along this stretch of road and the low number of vehicular movements associated with the entrance. Furthermore, the proposed entrance arrangements are not uncommon in a suburban residential context. Accordingly, this element of the proposed development for retention should not be refused permission on the grounds of traffic and pedestrian safety.

## **8.0 Appropriate Assessment**

8.1. Having regard to the minor nature of the proposed development for retention 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 Recommendation**

9.1. I recommend that retention permission is granted in accordance with the following reasons and considerations, subject to the condition, as set out below.

## **10.0 Reasons and Considerations**

10.1. Having regard to the nature, appearance and scale of the proposed development for retention, and the existing pattern of development in the vicinity, it is considered that subject to compliance with the condition below, the proposed development for retention would complement the scale and design of the host house, would not be out of character with development within the area, would be acceptable in terms of visual impact and would be acceptable in terms of pedestrian and traffic safety. The proposed development for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

**Reason:** In the interest of clarity.

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Colm McLoughlin  
Planning Inspector

12<sup>th</sup> February 2019