



An
Bord
Pleanála

Inspector's Report ABP-303483-19

Development	Boathouse, landscaping and boundary treatments, including banked retaining walls and revised vehicular access arrangements
Location	Cnoc na Muirleog, Na Dúnaibh, Contae Dhún na nGall
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	18/50009
Applicant(s)	Eddie Gallagher
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-Party
Appellant(s)	Eddie Gallagher
Observer(s)	None
Date of Site Inspection	10 th April 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 Cnoc na Muirleog, approximately 500m to the northwest of Downings village centre in north County Donegal. It overlooks the Trá beg beach and Sheephaven bay to the south and fronts directly onto a local road (L-1002-1), which leads southwest towards Downings pier. It contains a single-storey house elevated approximately 3m above the local road to the south. The 33m-long boundary with the local road features a steep earthen embankment, approximately 2.5m in height. Vehicular access serving the site is available from the west side.
- 1.2.** The surrounding area is primarily characterised by low-density housing of various ages, all availing of impressive south-facing views over the bay area. The Harbour Bar is located 33m to the northeast of the site, with a raised external seating area to the front. The local road fronting the site rises steeply from the village centre towards the site and does not feature a pedestrian path leading to the site. A lay-by for vehicles is available on the seaward side of the local road, to the east of the appeal site. Ground levels in the vicinity rise rapidly in a northwestern direction away from the coastline.

2.0 Proposed Development

- 2.1.1.** The proposed development comprises the following:
- construction of a boathouse set into sloping ground, with recessed vehicular access off the local road and a gross floor area (GFA) of 105sq.m;
 - landscape works and revised boundary treatments, including retaining wall structures and alterations to the existing vehicular access serving the site.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1.** The Planning Authority issued a notification of a decision to refuse permission for the development for the following two reasons:

Reason 1. – prejudicial to traffic safety along the adjoining public road;

Reason 2. – visual impact on a modest site.

3.2. Planning Authority Reports

3.2.1. Planning Report

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

- positive pre-planning discussions were undertaken with the Planning Authority;
- the boathouse is a bespoke design that has been sited, designed and finished to form a low-impact design solution that can successfully integrate into the receiving environment;
- the Roads Services section did not raise concerns regarding the proposed development, despite visibility of 34m and 65m only being achievable onto the local road;
- further information is required with respect to the position of the boathouse, traffic surveys, visibility splays, autotrack analysis and boundary finishes.

The recommendation of the Planning Officer (December 2018) reflects the decision of the Planning Authority and noted the following:

- the Executive Engineer from the Roads Services section does not object to the development, subject to adequate surface water drainage arrangements;
- the layout of the proposed development relative to the existing road conditions would lead to traffic safety concerns, with an inadequate setback of structures, obstructed visibility splays and multiple site access points;
- the site is of limited size and does not have capacity to absorb the boathouse, leading to concerns regarding the visual impact and the precedent that this would set.

3.2.2. Other Technical Reports

- Roads Services (Executive Engineer) - no objection, subject to conditions.

3.3. Prescribed Bodies

- Department of Culture, Heritage and the Gaeltacht - no response;
- An Taisce – no response.

3.4. Third-Party Submission

3.4.1. None received.

4.0 Planning History

4.1. Appeal Site

4.1.1. The following recent planning application relates to the appeal site:

- Donegal County Council (DCC) Ref. 10/40204 – permission granted in December 2010 for demolition of a house and construction of a single-storey replacement house. Condition 4 of the permission required the retaining wall along the southeastern site boundary to be setback 2m from the local road.

4.2. Surrounding Sites

4.2.1. Reflective of the urban context for the appeal site, there have been numerous planning applications on neighbouring properties, none of which are particularly pertinent to this appeal.

5.0 Policy & Context

5.1. Donegal County Development Plan 2018-2024

5.1.1. Based on maps accompanying the Donegal County Development Plan 2018-2024, the appeal site is situated within the settlement framework boundary for Na Dúnaibh (Downings). 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. The Plan outlines that in urban areas with a 60km/hr speed limit, visibility splays at site entrances shall be provided in accordance with Table 4 of Appendix 3, which is based on the standards within the Design Manual for Urban Roads and Streets (DMURS).

5.1.2. Policy UB-P-27 of the Plan is relevant to the subject appeal:

- '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 dwellinghouse are required based on Table 6 to Appendix 3 of the Plan.

5.2. Natural Heritage Designations

5.2.1. The nearest designated site to the appeal site is Sheephaven candidate Special Area of Conservation (cSAC) (Site Code: 001190), which is located 40m to the south of the site on the opposite side of the local road.

5.3. Environmental Impact Assessment - Preliminary Examination

5.3.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, 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. The grounds of appeal can be summarised as follows:

- pre-planning advice provided by the Planning Authority referred to the principle of the development being acceptable, subject to addressing traffic management and design;
- the applicant has sensitively renovated and refurbished the existing house on site and would now like a place to store their boat on site;
- the applicant's 12-foot rigid inflatable boat (rib) is used for recreational purposes and is out of the water between November and April;
- the applicant was willing to setback the building line for the boathouse by 2m, but not by 3m to 4m, as required by the Planning Authority, as this would inhibit vehicular movement and space within the remainder of the site;
- the Planning Authority has failed to recognise the urban context of the site and the inconsistency in the building line that already exists along the immediate street;
- the Traffic Safety Audit and Auto-Track Analysis undertaken for the application has clarified that traffic safety would not be an issue, and the Executive Engineer from the Roads Services section did not find fault with this aspect of the proposed development;
- the local road fronting the site is lightly trafficked and busiest during the summer months when the applicant's boat would be moored;
- the design of the proposed boathouse and the boundary treatments would enhance the character of the area.

6.2. Planning Authority Response

- 6.2.1. The Planning Authority responded to the grounds of appeal by stating that the Planning Officer's previous assessment of the proposed development continue to justify their decision to refuse permission.

6.3. Observations

- 6.3.1. None received.

6.4. Further Submissions

6.4.1. None received.

7.0 Assessment

7.1. Introduction

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

- Traffic & Pedestrian Safety;
- Visual Impact.

7.2. Traffic & Pedestrian Safety

7.2.1. The appeal site is positioned along an incline in the local road that has an urban speed-limit restriction of 50km/h. There are no footpaths fronting the appeal site or along the immediate stretch of local road and the carriageway width fronting the appeal site is approximately 5.5m. Public lighting has been installed along the local road, with a lamp post positioned on the eastern corner of the site. The existing house on site is served by an access on the southwest side, which would be repositioned 3m further northeast from the side boundary and widened from 3m to 4m as part of the subject proposals. An additional vehicular entrance for the site would be required on the northeast side for the boathouse and this would be recessed and setback from the roadside. The Plan outlines that in urban areas within a 60km/hr speed limit, visibility splays at site entrances are required to accord with the standards listed in Table 4 of Appendix 3, which are based on the DMURS. As a result, this would necessitate forward visibility of 45m in both directions on a road with a maximum design speed of 50km/hr. Visibility is required to be measured from a position 2.4m setback from the roadside based on the DMURS.

7.2.2. Following a request for further information, the applicant submitted their justification for the design and principle of the vehicular access arrangements. As part of this response a traffic survey was undertaken and this concluded average traffic speeds of approximately 50km/hr on the local road fronting the site. A revised site layout

drawing is appended to the traffic survey to clarify sightline visibility splays achievable at the proposed exit. The Planning Authority considered that insufficient setback along front boundary and boathouse entrance would be provided in order to safeguard the movement of traffic along the local road. The grounds of appeal state that a setback of 2m is achievable, but that the setback of 3m to 4m required by the Planning Authority would inhibit vehicular movement and space within the remainder of the site to the north. The applicant has also outlined that the 15m-deep boathouse is required to store their 12-foot rib.

- 7.2.3. The grounds of appeal assert that the road is not heavily trafficked, but during my site visit I noted reasonable levels of vehicular and pedestrian movement on the local road, which forms part of the Wild Atlantic Way tourism route and connects the beach area with the pier. Intermittent sections of footpath are provided for pedestrians along this route towards the pier and the road narrows directly fronting the appeal site, constraining the free flow of traffic. The roadside edge is not accurately portrayed on the revised site layout drawing appended to the traffic survey and it is not clear from this drawing whether or not the sight visibility splays of 70m have been measured from a point 2.4m setback from the roadside, as required in the DMURS. Visibility along the local road fronting the appeal site from the proposed vehicular entrance to serve the boathouse would be significantly obstructed by virtue of the existing steep embankment fronting the adjacent house to the northeast. Visibility from the revised vehicular entrance to serve the house on the southwest side of the site frontage would be obstructed by the revised boundary treatments on site, which would feature banked stonewalls, as detailed in the sections drawings submitted (see Drawing No. 17-03-03). While the Roads Engineers of the Planning Authority did not object to access arrangements and the applicant asserts that the boathouse entrance would be infrequently used, I consider that the site entrances would be contrary to the provisions set out in the Development Plan, and, as such, would give rise to a traffic hazard. This situation is further compounded by the narrow width of the road and the absence of a footpath fronting the appeal site. Accordingly, permission should be refused for this reason.

7.3. Visual Impact

- 7.3.1. The Planning Authority's decision to refuse permission for the proposed development refers to the limited capacity of the site to absorb the development and the resultant impact on the visual amenities of the area. The grounds of appeal assert that the design of the proposed boathouse and boundary treatments would enhance the character of the area and that there is not a consistent building line to be adhered to along the immediate stretch of local road.
- 7.3.2. The subject site and surrounding area does not have any conservation status. The banked boundary walls and façade to the boathouse would be finished with local field stone, according to the details submitted with the application. The majority of buildings along this stretch of local road, including the house on site, are setback 10m to 12m from the roadside, although this is not rigidly established with a building within the Harbour Bar, approximately 33m to the north, built almost onto the roadside. The materials to be used in the boundaries and boathouse would complement those used in the area and there is scope for variety in the building line. I am satisfied that the setting and character of the existing house on site, which has been recently refurbished according to the applicant, would not be compromised by the boathouse or boundary treatments. Furthermore, where visible from the surrounding area, including the beach to the south, the boathouse would be visible against the backdrop of other buildings and structures along the roadside and on higher ground, and, accordingly, it would not have an obtrusive appearance along the streetscape.
- 7.3.3. In conclusion, the design and appearance of the proposed boathouse and boundary treatments can be satisfactorily absorbed into the streetscape and would not detrimentally impact on the visual amenities of the area. Accordingly, permission for the development should not be withheld for reasons relating to the impact on the visual amenities of the area.

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 Recommendation

- 9.1. I recommend that permission is refused in accordance with the reasons and considerations set out below.

10.0 Reasons and Considerations

1. It is the policy of the planning authority, as set out in the Donegal County Development Plan 2018-2024, to ensure that new entrances provide adequate visibility, in accordance with the standards set out in Section 2.10 of the Plan. Having regard to the location of the proposed vehicular entrances to serve the house and boathouse on a well-trafficked local road of narrow width and lacking a footpath, it is considered that given the restricted sightlines, by virtue of the proposed boundary treatments and the existing banked boundary treatment to the neighbouring property to the northeast, which the applicant does not have consent to maintain or remove, and where traffic turning movements generated by the development would interfere with the safety and free flow of traffic along the public road, the proposed development would endanger public safety by reason of traffic hazard and would be contrary to the provisions of the Donegal County Development Plan 2018-2024. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colm McLoughlin
Planning Inspector

24th April 2019