



An
Bord
Pleanála

Inspector's Report ABP-303664-19

Development	Construction of 2 no. two-storey three-bedroom semi-detached houses and associated works
Location	Whitestrans, Aylesbury Park, Sligo, County Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	PL 18/238
Applicant(s)	Charlie McGoldrick
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third-Party
Appellant(s)	Anne Haslette
Observer(s)	None
Date of Site Inspection	11 th April 2019
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1.** The appeal site is located at the end of 'Whitestrans', a residential cul-de-sac in the Aylesbury Park residential area off Second Sea Road, in the western suburbs of Sligo. It is situated in an area primarily characterised by low-density housing, on plots of similar sizes, fronting onto a network of estate roads and maintained green areas.
- 1.2.** The site is stated to measure 0.042ha and is currently overgrown with vegetation and enclosed by a 1.8m-high timber panel fence on all sides. It is surrounded by housing, including single-storey semi-detached and detached housing to the west fronting onto Second Sea Road, and two-storey detached, semi-detached and terraced housing within Aylesbury Park residential estate to the north, east and south. There is a slight drop in ground levels from the front to the rear of the site, replicating the drop in levels towards the coastline to the north within the immediate surrounding area.

2.0 Proposed Development

- 2.1.** The proposed development comprises the following:
 - construction of 2 no. three-bedroom two-storey semi-detached houses with a stated gross floor area (GFA) of c.226sq.m;
 - provision of two vehicular entrances off the cul de sac to the south, connections to local services, landscaping and boundary treatments.
- 2.2.** In addition to the standard planning application and documentation, a letter of consent, stated to be from the owner of the site, was submitted with the application.

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 12 conditions of a standard nature, including the following:

Condition 12 – first-floor side elevation windows to comprise obscure glazing.

3.2. Planning Authority Reports

3.2.1. Planning Report

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

- the subject site was not identified as open space within previous planning permissions for the Aylesbury Park estate;
- as there is already an existing turning area on the cul de sac, an additional turning area to accommodate vehicle movements associated with the proposed houses would not be necessary;
- the height, design and character of the proposed houses follows the approach within the existing adjoining estate;
- overlooking would not appear to arise given the absence of side elevation windows serving living rooms, the distance to neighbouring houses (20m) and as the area adjoining to the west of the site is not used as private amenity space;
- further information is required with respect to the proximity of the proposed houses to existing wastewater treatment systems on adjoining lands to the west, construction and demolition waste proposals and the proposed boundary treatments.

3.2.2. The final report of the Planning Officer (October 2018) reflects the recommendation of the Planning Authority to grant permission.

3.2.3. Other Technical Reports

- Area Engineer – grant of permission recommended, subject to conditions;
- Water Services – no comments;
- Environment Section – following submission of further information, conditions recommended to be attached should a permission arise.

3.3. Prescribed Bodies

- Irish Water – no response.

3.4. Third-Party Submission

3.4.1. Four submissions were received by the Planning Authority during consideration of the application, two from an adjoining resident to the west at 60 Knappaghmore, Second Sea Road, and two from another adjoining resident to the east at 44 Whitestrand, Aylesbury Park. The issues raised are covered within the grounds of appeal below and also include the following:

- the proposed houses are too close to a septic tank serving an adjoining house;
- proposals would result in overlooking of a private garden and loss of privacy;
- the finished-floor level and resultant height of the proposed houses would be excessive;
- proposals would result in a negative impact on the quality of life enjoyed in the area.

4.0 Planning History

4.1. Appeal Site

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

- Sligo County Council (SCC) Ref. PL07/881 – application withdrawn in May 2008 for construction of 2 no. two-storey, semi-detached houses and associated site works;
- ABP Ref. PL21.131524 / SCC Ref. PL01/548 – appeal withdrawn and grant of permission issued by the Planning Authority in July 2005 for 16 houses, ancillary site works and services.

4.2. Surrounding Sites

- 4.2.1. Reflective of the suburban site context, there have been numerous applications on lands in the immediate vicinity, primarily relating to domestic extensions and infill housing, none of which appear to be of particular relevance to the subject appeal.

5.0 Policy & Context

5.1. Sligo County Development Plan 2017-2023

- 5.1.1. Appendix A to the Sligo County Development Plan 2017-2023 states that the written statement and the objectives maps pertaining to the Sligo & Environs Development Plan 2010-2016 have been appended to the County Development Plan. The appeal site is located within an area covered by the appended Sligo & Environs Plan.
- 5.1.2. The general planning policies and objectives for County Sligo are outlined in Volume 1 of the County Development Plan, while more specific local planning policies and objectives pertaining to the appeal site are outlined in the Sligo & Environs Plan. The appeal site has a land-use zoning objective 'RE – Existing Residential Areas', where the stated land-use zoning objective is to 'protect and enhance existing residential amenity'. The Sligo & Environs Plan outlines that an increase in density may be considered in existing residential areas, subject to context and regeneration needs. Section 16.3.12 of the Sligo & Environs Plan outlines that the design of infill development must be sympathetic to the character of the area.
- 5.1.3. Section 5.2 of the County Development Plan outlines policies with respect to housing in urban areas, the following of which are of note:
- P-UHOU-1 – have regard to the need for sequential development;
 - P-UHOU-2 – require high-quality layouts and design in developments;
 - P-UHOU-4 – promote more compact forms of residential development, including infill housing.
- 5.1.4. Section 13.3 of the County Development Plan provides development management standards for housing in urban areas. Relevant standards include:
- minimum size of a rear garden shall be 75 sq.m;
 - infill developments may be permitted if there are no overlooking issues;

- to ensure privacy rear gardens should generally be provided with a permanent durable barrier (wall or fence) with a height of 2m;
- two car parking spaces per house is required (see Table 13C).

5.2. National Guidelines

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

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

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. One third-party appeal has been submitted from the adjacent resident to the east of the appeal site. The issues raised can be summarised as follows:

- difficulties would arise for vehicular turning movements at the end of the narrow cul de sac serving the site;
- restricted access for service and emergency vehicles would arise;
- an application for a similar proposed development was applied for previously under SCC Ref. 07/881, but this application was withdrawn prior to a decision issuing;

- additional car parking would be required, which would place increased pressure for parking in the area;
- the proposals would lead to an excessive density of development in this area.

6.2. Applicants' Response

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

- the proposed development provides infill housing on lands zoned for this purpose, with both houses proposed to be provided with two car parking spaces on site;
- the internal road network would not be altered, therefore restrictions on access are not envisaged to arise from the proposed development.

6.3. Planning Authority Response

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

- a turning area for cars is already available to the southeast of the site and the proposed development would not result in a significant increase in traffic to the area;
- the density of development is consistent with the surrounding area.

6.4. Observations

6.4.1. None received.

7.0 Assessment

7.1. Introduction

7.1.1. The subject infill site and adjoining lands are within an established residential area that is zoned for residential uses within the Sligo & Environs Plan, which is appended to the Sligo County Development Plan 2017-2023. The Planning Authority noted that this infill site was originally proposed to provide for housing as part of the parent

permission for the cul de sac (Ref. SCC Ref. PL01/548). Accordingly, I am satisfied that the principle of developing the site for two houses is acceptable, subject to compliance with planning and environmental 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:

- Residential Amenity;
- Design & Layout.

7.2. Residential Amenity

- 7.2.1. Section 13.3 of the Development Plan outlines that infill developments may be permitted if there are no overlooking issues and to ensure privacy, rear gardens should generally be provided with a permanent durable barrier (wall or fence) with a height of 2m. During consideration of the application, a third-party submission was received from an adjoining resident to the west of the appeal site. This submission raised concerns in relation to the potential loss of privacy that would arise from undue overlooking from the proposed houses. In considering the planning application, the Planning Authority noted that the area immediately adjoining the appeal site, stated to be in ownership of the subject third-party, was not in use as private amenity space and that the subject proposed houses would be a significant distance from the third-party's house (22m). To address the overlooking concerns further, the Planning Authority attached a condition (no.12) restricting any first-floor windows on the side elevations of the proposed houses to be fitted with 'obscure glazing'.
- 7.2.2. Potential for excessive overlooking would not arise at ground floor given the proposal to maintain the 1.8m-high timber panel fence boundary treatment, which the Planning Authority note to be consistent with the boundary treatments to neighbouring properties on the cul de sac. The rear gardens of the proposed houses would be a minimum of 10.3m in depth and the rear elevations of the proposed houses would be a minimum of 19.5m from the rear elevation of the existing houses directly to the north and a minimum of 22m from the rear of houses on Second Sea Road to the northwest. The only windows along the side elevations of the proposed houses would be bathroom windows, one of which would look directly onto the gable

of the adjacent house to the east, No.44 Whitestrand. The separation distances between the existing and proposed houses and gardens would be typical for a residential urban context such as this. Considering the details and layout of the proposed houses and the immediate surrounding context, I am satisfied that the potential for excessive direct overlooking or loss of privacy would not arise.

Furthermore, I am satisfied that the potential for the proposed development to restrict light to the neighbouring properties would not be significant given the separation distances referred to above and the modest height (9.2m) of the proposed houses.

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

7.3. Design & Layout

- 7.3.1. The site and surrounding area does not have any conservation status. With regard to serviced infill sites, Policy P-UHOU-4 of the Development Plan encourages infill developments within settlement boundaries in promoting more compact forms of residential development. Section 12.3.2 of the Development Plan outlines that in facilitating compact settlements, infill proposals should have regard to the character and context of the surrounding area. The appellant's house to the east and the immediate houses to the south follow the prevailing house type in the area, including two-storey design and scale, bay-windows, decorative canopy over the front entrance, extensive use of buff brick, white fenestration and decorative eaves barge boards. The proposed house designs include similar features to the neighbouring houses within the cul de sac and the elevation drawing (No.18/CM/01) submitted states that the external walls would match existing dwellings with a brick and plaster finish. The scale, height, proportions and design of the proposed house would not conflict with neighbouring houses and would be appropriate for the site. The layout and positioning for the proposed house is sympathetic to the surrounding housing context and road layout. I consider that the introduction of two storey houses into this infill urban site, would not unduly impact on the character of the area, would not form an incongruous addition to the area and would accord with the provisions of the Development Plan.

- 7.3.2. The grounds of appeal assert that the proposed development would result in increased pressure for car parking within the immediate area, with restricted access for vehicles to enter and exit the cul de sac, including emergency vehicles. In response to this the applicant highlights that the proposed development would not result in an alteration to the existing roads layout and that two car parking spaces would be provided within the front curtilage of both proposed houses. In assessing the proposed development, the Planning Authority noted that a turning area (hammer head) is currently in situ along the cul de sac to the southeast of the appeal site. I am satisfied that the proposed layout would provide sufficient parking on site to serve the proposed development and that it would not restrict access for service and emergency vehicles to neighbouring houses.
- 7.3.3. A third-party submission from an adjoining resident to the west raised concerns regarding the separation distance between the proposed houses to the third-party's neighbouring septic tank. The Planning Authority requested further information from the applicant to address this and I am satisfied that the response of the applicant satisfactorily clarifies that the minimum separation distance of 14m achievable between the proposed houses and neighbouring septic tanks would not conflict with the 7m minimum separation distance required in the EPA 'Code of Practice - Wastewater Treatment and Disposal Systems serving Single Houses'.
- 7.3.4. In conclusion, I am satisfied that the proposed houses, including design, height, scale and proportions, and the proposed site layout would not conflict with the established pattern and character of development in the area, would include adequate provision for car parking and would accord with the relevant provisions of the Development Plan. Accordingly, the proposed development should not be refused for reasons relating to design and layout.

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 be granted for the proposed development, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

- 10.1. Having regard to the 'RE – Existing Residential Areas' zoning for the site, 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 design and layout, would not seriously injure the residential amenities of the area or of property in the vicinity and would be in accordance with the provisions of the Sligo County Development Plan 2017-2023. 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 18th day of December 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. (a) Details of the materials, colours and textures of all the external finishes to the proposed dwelling, including landscape proposals, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) The existing timber fence along the west, north and east site boundaries shall be maintained and repaired, as necessary, and a 1.8m-high boundary shall be placed between the rear gardens of the proposed houses.

Reason: In the interest of the visual and residential amenities of the area.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

Reason: In the interest of public health.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

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. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

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

20th May 2019