



An
Bord
Pleanála

Inspector's Report 304567-19.

Development	Demolish domestic garage and construct two-storey extension and part single storey extension.
Location	111 Rathedmond, Sligo.
Planning Authority	Sligo County Council.
Planning Authority Reg. Ref.	19/108.
Applicant	Joe Cox
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant	Rathedmond Residents' Association.
Observer	None.
Date of Site Inspection	15 th August 2019.
Inspector	Mairead Kenny.

1.0 Site Location and Description

- 1.1. The site is within a suburban residential estate in Sligo town. The residential area known as Rathedmond comprises a fairly traditional and relatively low density housing estate of two-storey houses. The majority of houses are semi-detached. Most of the houses have attached garages and the houses are mainly in brick finish. The estate would be described as low density and is within easy walking distance of the town centre and railway station.
- 1.2. Photographs of the site and surrounding area, which were taken by me at the time of my inspection are attached.

2.0 Proposed Development

- 2.1. Permission is sought for demolition of an existing domestic garage and porch and the construction of a two-storey extension and part single storey extension to the front, side and rear.
- 2.2. The stated floor area of the finished house would be 161 m². The existing dwelling is stated to be 80 m².
- 2.3. The application was supplemented by unsolicited further information (elevations) received by the planning authority on 10th of April 2019.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to conditions including:

- To be in accordance with plans and particulars including unsolicited information.
- Other standard conditions including development contribution and external finishes to match existing house.
- Written agreement of planning authority of the site layout plan to clarify the extent of works to the front of the property including existing and proposed boundaries and extent of existing and proposed hard grassed surfaces.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The main points of the report dated 2nd May 2019 are:

- Design and layout is consistent with residential use and the gross floor area is not excessive.
- There are similar two-storey extensions at no. 102 and no. 115.
- Section 13.3.3 of the development plan requires a 3m separation between dwellings and this is easily achieved.
- No evidence of proposed short-term letting.

3.2.2. Other Technical Reports

The Area Engineer (Roads) recommends conditions. It is queried whether the 900mm wall shown is a proposed wall. It is also queried if the grassed area is to be retained. Conditions relating to surface water management recommended.

3.3. **Prescribed Bodies**

No reports.

3.4. **Third Party Observations**

A third party objection raises issues which are reiterated in the appeal.

Subsequent to this decision a letter was received from an elected representative who is also resident in the estate. This refers to widespread concern with the decision.

4.0 **Planning History**

There is no relevant recent planning history related to this site or the immediate vicinity.

5.0 Policy Context

5.1. Development Plan

The site lies within the area governed by the Sligo City and Environs Local Area Plan but Section 13.13.14 of the Sligo County Development Plan 2017-2023 is the relevant policy for house extensions. This requires that house extensions be sympathetic to the scale of the existing building and generally comply with the following:

- Be subordinate to main building – exceptions will be considered where the existing building is small so that a subordinate extension would not be able to reasonably accommodate the needs of the occupants.
- Design and detailing to reflect the main building.
- Ensure no overshadowing or overlooking of adjacent properties.

5.2. Natural Heritage Designations

Not relevant.

6.0 The Appeal

6.1. Grounds of Appeal

The main points include:

- The development would be visually overbearing, leading to a terracing effect and set an undesirable precedent which would be contrary to the approach of the planning authority in this estate for decades and to section 12.3.19 of the Sligo County Development Plan as the extension is not subordinate and does not integrate with building lines.
- Very serious overshadowing of the neighbouring property at 112, which has a kitchen window facing onto the two-storey wall.
- Precedent would result in the nature and character of the estate being altered.

- Concerns of the Residents' Association were not sufficiently considered.
- Design and layout is of concern - what family will need this large house?
- Similar developments have resulted in problems in the estate.
- Overall floor area would be twice the size of the existing houses.
- Nos. 102 and 115 are both at the end of the rows and are not mid-row.

6.2. Applicant Response

The main points of the applicant's response include:

- There is a requirement for energy upgrade and extension.
- Total floor area proposed represents the size of new houses in the town.
- The applicant has no interest in converting the dwelling into commercial property and it is proposed to extend the house for their own use.
- The proposed front extension is similar to the other houses.
- The adjoining owner has no objection to the development. The finished wall will be plastered on both sides creating a better visual effect.
- The extension is in keeping with the design of houses in the estate including in respect of building lines and external finishes.

6.3. Planning Authority Response

The planning authority provided a detailed response including the following comments:

- Reinforces comments in relation to modifications to houses in the area, the nature and scale of the development and notes the 5.5 m separation from the gable of the adjoining dwelling.
- Refers to the fact that one case cited by the appellant involved creation of an additional residential unit. Other history outlined for completeness.
- Third party submission was given full consideration.

- It would be inappropriate for the planning authority to make any distinction between an owner occupied and rental property. Any material change of use or subdivision needs a separate planning permission.

6.4. **Observations**

None.

6.5. **Further Responses**

The appellant provided a further comment in response to the applicant's response to the appeal. It reiterates and elaborates on the appeal submission. The sum of the submissions made by the applicant are misleading.

The extension is larger than the existing and therefore cannot be considered subordinate. Housing which is nearing completion in this area is much smaller.

Other points are made in relation to the impact on no. 112 - the solitary occupant of that house may underestimate the likely impact of the extension.

6.6. **Assessment**

In addressing the issues raised in this case I refer to:

- The planning history and precedent issues.
- The scale, layout and tenure.
- Detailed design and impact on residential amenity.
- Architectural character and 'terracing' effect.
- Compliance with development plan policies.
- Front garden layout.

There has been much reference in the various submissions to **planning history** at other houses in the estate and to the matter of precedent. This appeal falls to be decided on its own merits taking into account the provisions of the adopted development plan policy. In this regard I note that some of the referenced planning history significant predates the current development plan and national guidance

emphasis on more intensified use of urban lands. I also note that there is some merit in the references in the Planner's report to similar developments in this general area, albeit at end of terrace sites. I conclude that neither the submissions in relation to planning history or precedent are wholly relevant. I further refer to precedent below.

Regarding the **scale of the proposed house** I accept the applicant's submission that the house is intended for use by his family. The proposed house is not in my opinion of excessive scale, unusual layout or in any way out of the ordinary, notwithstanding the significant increase in floor area proposed, which does constitute approximately a doubling in size.

I agree with the planning authority that there is nothing in the design which would suggest either **short-term letting or a separate commercial unit**, which would require a separate permission. The tenure of the completed house, be it as an owner occupied or rented house, is not a matter for consideration by the planning system.

In relation to the **detailed design** I consider that the window proportions, external finishes and the breach of building lines at the front, side and rear are all acceptable.

I consider that there would be no undesirable precedent set in terms of the protection of the **architectural character** of the estate. I do not see how the development would lead to a 'terracing effect' as there is a clear separation between houses.

I am of the opinion that there would be no significant **impact on residential amenity** arising from the relatively small projections (3m or less) and the separation of the proposed finished house from the adjacent houses. I concur with the planning authority's assessment in relation to overshadowing and overlooking, neither of which would be significant.

Regarding the development plan provision in section 13.13.14 the issue of the development being **subordinate to the original house** is raised by the appellant. It is not clear to me whether this provision refers strictly to floor area or to design and appearance of the extension compared with the original house. Taking either interpretation into account however I consider that the development is acceptable. The proposed double fronted house would be altered in terms of its external appearance, but not in a negative way in my opinion. I consider that the basic character of the house as viewed from the front is not greatly at odds with the existing house or the other houses. I agree with the planning authority that the

overall mass and visual impact is reduced by the distribution of the extension to the front side and rear of the original house. As such the proposed extension while large in floor area is compliant with the terms of the development plan including in relation to the requirement to be subordinate to the main house.

I consider that there are no traffic safety or parking-related issues in this case.

Regarding the **front garden and the 900mm wall**, which is shown on the site layout plan there is an existing wall in the centre between the subject site and no. 110. It would appear that the original housing estate was open plan but that character has been greatly diminished by the construction of a range of front boundaries including walls. A front boundary wall would be acceptable. In the interest of visual amenity and clarity I consider it appropriate that the front garden layout be agreed with the planning authority.

6.7. **EIA**

The proposed development does not fall to be determined under the EIA Regulations. There is no requirement for Screening.

6.8. **Appropriate Assessment**

Having regard to the nature and scale of the proposed development, the nature of the receiving environment, the likely emissions arising from the proposed development and the availability of public water and sewerage in the area, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.0 **Recommendation**

7.1. I recommend that the decision of the planning authority to grant permission be upheld for the reasons and considerations and subject to the conditions below.

8.0 Reasons and Considerations

Having regard to the pattern of development in the area and the detailed design, it is considered that, subject to compliance with conditions in set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

9.0 Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 10th day of April 2019, 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 the applicant shall submit for the written agreement of the planning authority a revised site layout showing proposals for boundary treatment and surface treatment of the front garden.

Reason: In the interest of clarity and visual amenity.

3. The external material, colours and finishes on the proposed development shall match/harmonise with existing house on the site.

Reason: In the interest of visual amenity.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution

6. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 13.00 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.

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 and Development Act 2000. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Mairead Kenny
Planning Inspector

19th August 2019