



An
Bord
Pleanála

Inspector's Report

ABP-306337-20

Development	Demolition of shed and existing extension to the rear of dwelling and construction of extensions to the side and rear and subdivision of existing dwelling to provide for a granny flat.
Location	Hare House, Arcadia, Athlone, Co Westmeath.
Planning Authority	Westmeath County Council
Planning Authority Reg. Ref.	19/7126
Applicants	Aine and Kathleen McFadden
Type of Application	Permission
Planning Authority Decision	Grant permission (5 no. conditions)
Type of Appeal	Third Party
Appellants	Karol and Emer Shannon
Date of Site Inspection	24/04/2020
Inspector	Conor McGrath

1.0 Site Location and Description

- 1.1. The appeal site is located to the south side of the local road in Arcadia on the northern side of Athlone. The site comprises a stated area of 0.0989ha and is occupied by a single-storey detached dwelling (99-sq.m.) and associated garage / shed on its western side (39.71-sq.m.). Adjoining houses to the east and west are similar in scale and design, while there is greater variety in the type of housing in the surrounding area. The existing rear garden is approx. 30m long.

2.0 Proposed Development

The proposed development comprises minor demolition works to the existing house and construction of a large single-storey extension to the rear. This scales as approx. 120-sq.m. from the plans. This is provided with a mono-pitch roof, which falls toward the eastern boundary. It is also proposed to demolish the existing shed / garage to the west of the house and construct a one-bed granny-flat type accommodation unit with an internal floor area of approx. 64-sq.m. This is provided with internal connection to the main dwelling on the site.

3.0 Planning Authority Decision

- 3.1. Following a request for further information, the planning authority decided to grant permission for the proposed development subject to 5 no. conditions, including the following:
2. (a) A 1.8m high opaque fence shall be erected along the eastern site boundary for the depth of the extension and
 - (b) EITHER, a 1.8m high fence shall be erected along the western site boundary adjacent to the proposed side facing window, OR, the western side facing window shall be obscure glazed.

3.2. Planning Authority Reports

3.2.1. Planning Reports: The revised design satisfactorily addresses concerns raised in FI. The design is not considered to give rise to material adverse impacts on the visual amenities of the street. It will not overshadow neighbouring property and does not breach the sunlight test or result in material adverse impact on daylight to neighbours. Proposed fence along the eastern boundary would prevent overlooking. A similar barrier is required along the western boundary. Concerns regarding construction impacts can be addressed by condition.

3.2.2. Other Technical Reports

Area Engineer: No objection subject to conditions.

Chief Fire Officer: No objection subject to conditions.

3.3. Prescribed Bodies

HSE: Conditions recommended.

3.4. Third Party Observations

One third party submission was received which is generally reflected in the third-party appeal in this case.

4.0 Policy Context

4.1. Athlone Town Development Plan 2014 - 2020

The appeal is zoned Existing Residential.

In respect of granny flats, Section 3.16 notes that a grant of permission will normally require that the independent unit be returned to single residential use on cessation of use as a family annex and shall not be sold, leased or otherwise disposed of to a third party.

Policy P-GF1: To ensure that granny/family flats are:

- Integral to the existing dwelling house, capable of being reintegrated to the main house.
- Subordinate in size to the main dwelling house.

4.2. **Natural Heritage Designations**

The appeal site is not designated for any nature conservation purposes. The closest sites are located at Lough Ree SPA and SAC which extend as far as the N6 bridge over the River Shannon, approx. 1.7km west of the site.

4.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development, the availability of mains services and the absence of any significant environmental sensitivity in the vicinity 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.

5.0 **The Appeal**

5.1. **Grounds of Appeal**

Karol and Emer Shannon make the following points in their appeal against the decision to grant permission for the proposed development:

- There is no objection to the sympathetic extension of the dwelling in principle.
- The development, including the proposed granny flat, is out of scale and character with surrounding development.
- It will impact on the potential to develop / extend the appellants property.
- There will be overlooking from additional windows facing the eastern site boundary.

- Existing separation distances from shared boundaries should be maintained.
- There is a lack of certainty with regard to the line of the property boundary and maintenance of the existing boundary hedge.
- There is a lack of clarity on where the proposed boundary wall / fence will be constructed and effect on the existing hedge. The boundary treatment must be undertaken on the applicant's lands.
- The existing hedge will likely be removed in the future and there is no means to guarantee its retention and the protection of the appellants privacy.
- A 2m high bloc wall should therefore be erected along the length of the extension to the southern point of the proposed patio area.
- Activity construction should be limited to Monday – Friday 9am – 6pm.

5.2. Applicant Response

The first party make the following points in response to the third party appeal:

- The granny flat will be occupied by the current houseowner while the house will be occupied by her niece and partner, returning to the family home.
- There will be no visual impacts on the street given the mix of dwelling styles.
- There is no objection to a condition requiring the granny flat and house being returned to single residential use and restricting separate sale or letting.
- It is not possible to assess possible impacts on potential unknown future development of the appellant's property.
- The development will not give rise to overlooking of the adjoining property.
- Four new ground floor windows are set-back 2.45m from the appellant's boundary at a lower ffl than the appellants and separated by a mature hedgerow.
- The intention is to retain the hedge in preference to a block wall, subject to condition.
- There is adequate open space to serve the proposed development and it does not constitute overdevelopment of the site.

6.0 Assessment

6.1. It is proposed to consider the appeal under the following broad headings:

- Design and Layout
- Boundary treatment

6.2. Design and layout

6.3. The proposed development comprises a large extension to the rear and side of an existing detached single-storey dwelling. The site is relatively large and it is considered that adequate levels of amenity space can be retained on the site. The design of the extension and granny flat are modern in nature but would not negatively impact on the character of the surrounding area. The front elevation of the granny flat reflects the existing dwelling there will be little impact on the street.

6.3.1. The rear extension maintains a separation of approx. 2.45m from the eastern site boundary. Existing eaves level is maintained and the mono-pitch roof falls to the east such that impacts on the adjoining property to the east are minimised. Having regard to the area of the adjoining site I do not consider that the proposed development would unduly compromise the development or extension potential of that property. The granny flat comprises a low-level structure, which extends beyond the footprint of the existing garage. Having regard to the relationship with the adjoining dwelling to the west, this is not considered to give rise to impacts of the residential amenities thereof. Condition no. 2 relating to the window on the western elevation is not considered unreasonable.

6.3.2. A number of windows are proposed on the eastern elevation. These windows are at a lower level than windows in the existing house and are not considered likely to give rise to undue impacts on the adjoining property subject to the maintenance of an adequate boundary treatment.

6.4. Boundary Treatment

6.4.1. The treatment of the eastern site boundary is a central part of the third-party appeal. This currently comprises a mature hedgerow, approx. 1.8m – 2m high. Submissions

on the file suggest that there is a lack of agreement on the line of the boundary between these properties, however, it is not a matter for the Board to determine such matters.

- 6.4.2. Condition no. 2 of the planning authority decision requires the placement of a 1.8m high fence along the boundary. This reflects the applicant's further information response which proposed that a new fence be erected behind the existing hedge, subject to agreement with the neighbour. Where there is uncertainty regarding the line of the property boundary, this may impact on the retention of this existing hedge.
- 6.4.3. In its current form, I consider that this hedge can act to adequately protect the privacy and amenities of residents on either side. I consider that concerns with regard to the future removal of this hedgerow can be adequately addressed by way of condition. I do not consider that the erection of a 2m high block wall along the boundary is necessary in this case.

7.0 Appropriate Assessment Screening

- 7.1. The proposed development relates to the extension and alteration of an existing dwelling within the build-up area of Athlone. Mains water and wastewater services are available to serve the development and the site is not at risk of flooding. The closest European Site is Lough Ree SAC (000440) and SPA (004064), approx. 1.7km west of the site and there are not direct hydrological connections from the site to this conservation site.
- 7.2. It is considered reasonable to conclude, in the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Lough Ree SAC (000440) or Lough Ree SPA (004064), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

8.0 Recommendation

8.1. That permission be granted for the proposed development.

9.0 Reasons and Considerations

Having regard to the policies and objectives of the development plan for the area, the nature and scale of development proposed and the surrounding pattern of development, it is considered that subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of residential amenity, would not give rise to the creation of a traffic hazard and would be acceptable in terms of public health. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 13th day of November 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed granny flat extension shall be used solely for that purpose, and shall revert to use as part of the main dwelling on the cessation of such use.</p> <p>Reason: To protect the amenities of property in the vicinity and comply with the objectives of the current development plan for the area.</p>

3.	<p>(a) The existing boundary hedgerow on the eastern site boundary shall be retained and maintained at a minimum height of 1.8m high.</p> <p>(b) A 1.8m high opaque fence shall be erected along the western site boundary commencing from a point 2m north of the proposed window on the western elevation of the proposed granny flat.</p> <p>Reason: In order to protect the privacy of adjoining occupiers</p>
4.	<p>(a) Prior to commencement of development, all trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0900 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

6.	<p>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.</p> <p>Reason: In the interest of sustainable waste management.</p>
7.	<p>Surface water drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>

.Conor McGrath
Planning Inspector

29/04/2020