



An
Bord
Pleanála

Inspector's Report

ABP-308188-20

Development	Dormer type dwelling with connection to existing public services and new entrance off public road.
Location	Slevinagee , Roscommon , Co Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	20226
Applicant	Ann Conneely
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party V. Refusal
Appellant	Ann Conneely
Observer(s)	None
Date of Site Inspection	27 th November 2020
Inspector	Máire Daly

1.0 Site Location and Description

- 1.1. The subject site (0.0352ha) is located in a well-established residential area, off the Golf Links Road (Local road L1812) approximately 1km south of Roscommon town centre. The entrance to the Roscommon Golf Course is located nearby to the east, across the public road. The general area is characterised by detached residential properties on individual plots, off established estate roads. The road which provides access to the site ends in a cul de sac approximately 200m to the west of the site.
- 1.2. The appeal site is located in the rear garden of an existing dwelling with access off the existing estate road, south of the junction with the Golf Links Road. The existing residential property on the larger site has a bungalow and domestic garage located on it, with the boundary of the proposed site directly abutting the rear of the existing domestic garage. The site is bound to the north and south by evergreen hedging, and to the west by wooden fencing. The remaining boundary to the east is currently exposed as it comprises the rear garden of the existing bungalow.
- 1.3. The adjoining site to the west has a dormer styled dwelling located on it and adjoining site to the south has an existing bungalow which fronts onto the slip road off Golf Links Road.

2.0 Proposed Development

- 2.1. The proposed development is to comprise:
 - Construction of dormer type dwelling house (205sq.m with roof ridge height 6.7m).
 - New entrance and off-street parking.
 - Associated site development works and connection to existing public services.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused by the planning authority for five reasons, these are summarised as follows:

1. Overdevelopment of the site, arising from sub-division of a residential plot which is limited in terms of size and configuration. The proposed development would therefore be contrary to the provisions of the Roscommon County Development Plan 2014-2020 and in particular to the land use zoning objectives applicable to the subject site, as set out in Section 6.1.1 of the Roscommon Town Local Area Plan 2014-2020.
2. The proposed development by reason of the proposed site layout and overall design concept is incapable of integrating into the setting in which it is proposed. The proposed development would contravene the Roscommon Local Area Plan 2014-2020, particularly Policy 124 which seeks to ensure that developments are appropriately designed in terms of their form, density, size and dwelling types within residential area, such that they contribute to the built character of the area.
3. The footprint of the development is excessive relative to the size of the subject site and fails to provide adequate private open space and on-site car parking provision. As such the development fails to meet the minimum standards set out in Section 9.6.7 (Open Space) and Section 9.27 (Car Parking) and Table 1 (Car Parking Requirements) of the Roscommon County Development Plan 2014-2020 and as also set out in Section 8.3 (Development Management Guidelines and Standards) of the Roscommon Town Local Area Plan 2014-2020.
4. Endanger public safety by reason of traffic hazard or obstruction of road users.
5. The proposal to subdivide the residential plot would contravene materially a condition attached to an existing permission for development.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The recommendation to refuse permission in the Area Planner's report reflects the decision of the Planning Authority. The main points raised in the report can be summarised as follows:

- Site is zoned 'existing residential' under the Roscommon Town LAP 2014-2020. This land use zoning objective includes for the protection and enhancement of the residential amenities of existing and new residential communities.
- Footprint of proposed dwelling is excessive relative to the site. 0.0352ha is not a true reflection of the site size, as this extends the site to the middle of the public road. Discrepancy noted between location map and site layout map. The red line boundary extends to the middle of the public road on the site layout yet is restricted to the site boundary on the location map.
- No useable open space or hardstanding areas have been provided, this would result in a poor quality of residential amenity for any potential residents and would also constitute overdevelopment of the site.
- The loss of the existing back garden of the dwelling to the east would also result in a negative impact on the residential amenities of the occupants of this existing dwelling.
- The proposed development is out of character with existing residential development in the area and cannot meet the development management standards for a dwelling in terms of car parking standards, open space or hard landscaping.
- The proposed development would set an undesirable precedent for similar types of sub-division of plots in the area.
- No sightlines have been shown for the new entrance and no assessment has been carried out in relation to traffic movements. The applicant has only shown one carparking space when two are required. To permit this development on such a restricted site would result in cars reversing out of the site and also potentially cars parking along the estate access road all of which would result in a traffic hazard.

3.2.2. Other Technical Reports

- None received.

3.3. Prescribed Bodies

- Transport infrastructure Ireland (TII) - Response received 8th July 2020 – no observations to make.

3.4. Third Party Observations

3.4.1. Two third party submissions were received from the following:

- Enda and Gillian Kelly, Slevinagee, Golf Links Road, Roscommon (Owners of adjoining site to south).
- John Cunningham, Golf Links Road, Roscommon (Owner of adjoining site to west).

3.4.2. The following concerns were raised:

- The proposed development would be within close proximity (4m) to both property boundaries and would overlook both properties private open space.
- The proposed development would have a negative impact on the residential amenity of adjoining properties.
- The drawings submitted do not appear to accurately reflect the situation on the ground. The site boundary on the location map extends to the middle of the public road.
- The house on the adjoining site to the west has been extended in recent years and the drawings submitted have not taken account of this.
- Site is too small and not suitable for a large detached dwelling.
- The building line proposed breaks the established building line along the service road.
- The proposed development would be out of character with the established development pattern in the area, which sees detached dwelling houses located on ample sites.

4.0 Planning History

On site

- P.A. Ref. 5839b Roscommon County Council (RCC) – 1975 – Outline permission granted on site for bungalow and septic tank. 4no. conditions attached including those in relation to public utility services water and sewerage, building lines and exempt development.

The Board should note that no condition was attached in relation to any restriction on sub-division of site. However, this application related to outline permission only.

A record of subsequent planning applications on the site was requested from the planning authority but has not been received to date (23/12/2020).

Adjoining site to south:

- P.A. Ref. 08198 RCC – 2008 – Permission granted for retention of unauthorised extension and garage.

Adjoining site to west:

- P.A. Ref. 05347 RCC – 2005 – Permission granted for dormer extension to dwelling house and additional access onto public road.

5.0 Policy Context

5.1. National Guidance

5.1.1. **Quality Housing for Sustainable Communities** – Best Practice Guidelines for Delivering Homes Sustaining Communities (2007). The following sections are particularly relevant to the current proposal:

- Section 1.4 Detailed Considerations, Inspection and Report and Subsection 1.4.1 – Infill sites.
- Section 4.3.4 Densities – states '*Infill developments and urban redevelopment projects should respect the character of the existing neighbourhood*'.
- Section 4.3.5 Private Space states '*Provision for private open space should take account of the requirements of the Development Plan for the area*'.
- Table 5.1: Space provision and room sizes for typical dwellings – *BED/7P House (2 storeys) – Target gross floor area – 110sqm, Minimum Main living Room –*

15sqm, Aggregate Living Room -40sqm, Aggregate Bedroom Area – 43sqm, Storage – 6sqm.

5.1.2. **Sustainable Residential Development in Urban Areas** (Cities, Towns and Villages) Planning Guidelines, DEHLG, 2009.

- Section 5.9 Inner suburban/infill:

(i) Infill residential development – *In residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.*

5.2. **Roscommon Town Local Area Plan 2014-2020 – Variation No.1**

5.2.1. The operative Development Plan is the Roscommon Town Local Area Plan (LAP) 2014-2020 and the site is zoned '*Existing Residential*' as illustrated in Map 18a of the LAP. The following are the listed objectives for such zoning relevant to the current site, as outlined under **Section 6.1.1** of the LAP:

- *Protect and enhance the residential amenities of existing and new residential communities and provide a high level of services within walking distances of residential developments.*
- *Provide for infill residential development at a density and design appropriate to the area and needs of the community.*
- *Require the inclusion of appropriate open spaces in development in this zone.*

5.2.2. **Section 7.13 Urban Development and Design** - Relevant planning policies and objectives for residential and urban development are set out in Section 7.13 of the LAP and include the following:

- **Policy 121** - *Ensure that adequate open spaces and landscaping are established to structure developments, provide visual relief to built areas and to ensure adequate aspects and natural lighting to buildings.*
- **Policy 124** - *Ensure that a high standard of design is incorporated into residential developments through careful consideration of the layout to facilitate pedestrian safety and restrict vehicular traffic speeds.*

- **Policy 125** - *Ensure that developments are appropriately designed in terms of their form, density, size and dwelling types within residential areas, such that they contribute to the built character of the area.*

5.2.3. **Section 8.3 Development Management Guidelines and Standards** - development management guidelines and standards for parking and new residential development are outlined in the following sections 8.3.8 and 8.3.10 respectively.

5.2.4. **Section 8.3.8 Car Parking – Table 7.** Car parking Standards - Dwelling Houses with 4 bedroom or more require 2 car spaces per unit.

5.2.5. **Section 8.3.10 New Residential Development** - All residential development proposals should incorporate an appreciation of their context and complement the existing built environment.

- Applicants, when making an application, will normally be required to respect the established building line in place.
- Applicants will be required to provide sufficient, useable open space

5.3. **Roscommon County Development Plan 2014-2020**

5.3.1. **Section 9.6.7 – Open Space** – A back to back distance of 22m between dwelling units shall apply as a rule in the interests of privacy and residential amenity. Reductions in this value may be considered for single storey residential units or innovative schemes where it can be demonstrated that adequate levels of privacy, natural lighting and sunlight can be achieved.

5.3.2. **Section 9.27 – Car Parking** – standard/minimum parking dimensions shall be 2.5m X 5.0m.

5.3.3. **Section 9.38 – Table 1 – Car Parking Requirements** - Dwelling Houses with 4 bedroom or more require 2 car spaces per unit.

5.4. **Natural Heritage Designations**

5.4.1. None relevant.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal, as raised by the first party appellant Ann Conneely can be summarised as follows:

- Site is within Roscommon Town Boundary and fully serviced.
- Applicant has a genuine housing need.
- The proposed development will not depreciate the value of existing properties or set a precedent.
- The site is zoned residential and is not contrary to the Roscommon County Development Plan 2014-2020.
- The dwelling design is capable of integration into the setting and is of an appropriate density.
- The footprint of the proposed development is not excessive in relation to the size of the site.
- Carparking is provided where applicant can reverse into site and exit site without danger. The road serving the site is a cul de sac.
- The proposal to sub-divide the site does not contravene the original planning permission for the existing dwelling.

6.2. Planning Authority Response

- None received.

6.3. Observations

- None received.

7.0 Assessment

7.1. Having inspected the site and examined the application details and all other documentation on file, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Residential Amenity
- Access and Carparking
- Other Issues Raised Under Appeal
- Appropriate Assessment

7.2. Residential Amenity

7.2.1. The proposed development is to be located in what is effectively the rear garden of an existing property which faces onto the Golf Links Road. The existing residential property has a single storey detached bungalow located on it, with a domestic garage staggered slightly to the rear/northern side. The eastern boundary of the proposed site is to run directly along the rear of this domestic garage, leaving approximately 3m from the proposed new boundary and the rear of the existing bungalow. In considering the impacts of the proposed development on Residential Amenity it is necessary in this case to examine the impacts on both the residential properties adjacent to the site and also the conditions that would exist for future occupants of the proposed dwelling. Both these are examined in more detail below.

7.2.2. Impacts on adjoining properties

7.2.3. The existing character of development in the area consists of low-density residential development, with detached dwellings of a variety of designs, located on sizeable individual plots. The site is zoned '*Existing Residential*' and Section 6.1.1 of the Roscommon Town Local Area Plan 2014-2020 provides objectives which should be adhered to in proposals for development on such zoned lands. This land use zoning objective includes for the '*protection and enhancement of the residential amenities of existing and new residential communities*'.

7.2.4. I note the planning authority's concerns regarding the subdivision of the existing residential plot and the siting of the proposed dormer dwelling house on such a limited site. The dwelling is to be located centrally on the site with a separation

distance of approximately 4m from the western and southern boundaries, and a stated 2m separation distance from the rear boundary of the site to the east (which is the original subdivided plot). If the development were to be permitted the rear garden and private open space of the existing bungalow to the east would effectively be lost. Section 9.6.7 of the current development plan provides guidance on Open Space and states that '*A back to back distance of 22m between dwelling units shall apply as a rule in the interests of privacy and residential amenity*'. A current separation distance of approx. 5m exists from the eastern side elevation of the proposed dwelling and the bungalow to the east. While I note that no eastern side windows are to be provided at first floor level, which would ensure no overlooking of the rear of this property, the close proximity to the single storey dwelling in my opinion would result in overbearing impacts on this dwelling house. At a height of 6.7m to ridge level, a structure of this height in an area which was previously the rear garden of same bungalow, would result in significant overshadowing in particular in the late afternoon and evenings and in my opinion would have significant impacts on the residential amenity of this existing bungalow to the east.

7.2.5. The proposed separation distance of 4m between the proposed dwelling and the adjoining site boundaries to the west and south is also of concern. I note that the dwelling house to the west of the proposed site received approval in 2005 for a storey and a half extension on its eastern elevation of ridge height 6.6m. This is now constructed and its proximity to the western boundary of the proposed site was observed on site visit. Taking account of the extended adjoining property, the separation distance from the proposed dwelling is approx. 9m. I note that a window is proposed at first floor level in the master bedroom, which would provide opportunity for overlooking of the neighbouring property to the west. While it is acknowledged that this window could be omitted by way of condition if the Board are minded to grant permission, there still remain other serious concerns in relation to the proposed development.

7.2.6. Section 6.1.1 of the Roscommon Town LAP is clear in its objectives regarding infill residential development stating that development should be at a density and design appropriate to the area. Policy 125 of the LAP states that new dwellings should be appropriately designed in terms of form, density, size and dwelling type. I note the planning authority's second reason from refusal refers to these considerations. The

Board should note that there appears to be a typo in the numbering of the policy reference under refusal reason No.2, which should refer to Policy 125 and not as stated Policy 124. In any case, in my opinion the footprint of the proposed development is excessive relative to the limited size of the current site and does not provide adequate separation distance to those adjoining residential properties and as result of its form and scale does not contribute to the existing built character of this low density residential area.

- 7.2.7. In considering the possible impacts of the proposed development on the site to the west, the building line of the property also needs to be considered. The proposed dwelling will have a building line set forward of those houses to its west. Section 8.3.10 of the LAP is prescriptive when it comes to building lines stating that proposed residential development will normally be required to respect the established building line in place. In addition the same section states that residential development proposals should incorporate an appreciation of their context and complement the existing built environment. In my opinion the current proposal meets neither of these requirements as set out in the LAP and in addition does not respect the established built character of the area which is highlighted as an important factor in considering infill development under Section 5.9 of the 2009 Planning Guidelines *Sustainable Residential Development in Urban Areas* and in addition Section 4.3.4 *Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)*.

7.3. Residential Quality Standards

- 7.3.1. The applicant states that the dwelling design is capable of integration into the setting and is of an appropriate density, in addition they argue that the footprint of the proposed development is not excessive in relation to the size of the site. The other dwellings located within the estate are on relatively large plots with generous private open space. The site has an area of 0.0352ha, however as highlighted by the area planner, this is not a true reflection of the site size as it extends to the middle of the public road, as per the site layout plan.
- 7.3.2. The proposed dwelling house of 205sq.m is to be positioned centrally on the site, with very limited separation distance to the site boundaries ranging from 2m to 4m on the southern, eastern and western sides. The distance from the dwelling house to the angled northern site boundary varies from 1.8m to approximately 6m. The

development provides for no useable private open space and is contrary to section 8.3.10 *New Residential Development* of the Roscommon Town LAP which states that applicants will be required to provide sufficient, useable open space.

- 7.3.3. In addition to the concerns in relation to the provision of useable private open space, the proximity of the proposed ground floor windows to the site boundaries is also a concern. Policy 121 of the LAP highlights the requirements for adequate provision of open space to ensure adequate aspects and natural lighting to buildings. Given the existing dense hedging which screens the northern boundary of the site and the high wooden fencing to the south, the level of light to ground floor habitable rooms would be minimal and contrary to policy 121 of the Roscommon LAP.

7.4. Access and Carparking

- 7.4.1. The applicant proposes to open a new entrance to the site via the existing hedging along the northern boundary, which in turn will provide access from the site to the internal road servicing the estate. The proposed site entrance is located within the 50kmph speed limit and is within 50m of the junction with the Golf Links Road. I note that the existing hedge to the east of the proposed entrance is proposed to be retained, as shown on the submitted plans and that adequate sightlines have not been demonstrated.
- 7.4.2. A small area for car parking has been shown to the front of the dwelling just to the inside of the entrance. I note that arrows are denoted on the site layout plan showing entrance and exit manoeuvres from the proposed open entrance. It is not clear if adequate turning space has been provided to manoeuvre a vehicle to allow it to exit forward out of the drive. While I note the area planner's concerns and the related refusal reason in relation to the limited turning space, I do not believe that it can be definitively determined that reverse manoeuvres would be required to exit the drive. I also note that the applicant states in their appeal that site layout does allow for a car to reverse within the site and exit safely. While noting the aforementioned, I would consider the bigger issue here is in relation to the provision of adequate car parking. Section 9.27 of the County Development Plan states the standard/minimum parking dimensions are 2.5m X 5.0m and Section 8.3.8 Car Parking of the Roscommon Town LAP reiterates this and also outlines car parking standards for various developments under Table 7. The proposed 4-bedroom dwelling house would

require 2 car spaces as per these standards. The area as shown on the site layout plan would not allow for a second car parking space to the front of the proposed dwelling house. Therefore, the current provision of one car parking space does not meet the standards as set out in the local area plan.

7.5. Other issues raised under appeal

- 7.5.1. The applicant submits that the current proposal to sub-divide the site does not contravene the original planning permission for the existing dwelling. The Board should note that the basis of refusal reason no.5 attached to the planning authority's decision has been queried with the planning authority and a history file for the original development of the detached bungalow on the site was requested. A history file in relation to the original 'outline' permission on site was received but no file in relation to the permission consequent has been received to date. Therefore, the validity of refusal reason no. 5 cannot be confirmed at the time of writing this report.

7.6. Appropriate Assessment

- 7.6.1. Given that the development is proposed to be connected to the public water supply and public sewer, and having regard to the nature and scale of the proposed development and its location relative to Natura 2000 sites, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be **refused** for the reasons and considerations as set out below.

9.0 Reasons and Considerations

1. It is considered that the proposed development, by reason of its seriously inadequate provision of private open space to serve the proposed occupants of the dwelling, would be an inappropriate form of development at this location and would represent significant overdevelopment of this constrained site. In addition the proposed development by reason of its scale, form and proximity

to adjoining residential properties and the sub-division of an existing residential plot, including loss of private open space from an existing residential property, would result in overbearing impacts on adjoining properties, would be out of character with development in the vicinity and would significantly infringe on the existing building line along the street. The proposed development would, therefore, seriously injure the residential amenities of the area, and would be contrary to Policy 121 and Policy 125 and the land use zoning objectives pertaining to 'Existing Residential' sites listed under Section 6.1.1, and Section 8.3.10 of the Roscommon Town Local Area Plan 2014-2020 (as varied) and would therefore be contrary to the proper planning and sustainable development of the area.

2. The provision of adequate car parking spaces in accordance with Section 9.27 of the Roscommon County Development Plan 2014 – 2020 (as varied) and Section 8.3.8 of the Roscommon Local Area Plan 2014-2020 (as varied) have not been provided within the curtilage of the site. The proposed development, would, therefore be contrary to the proper planning and sustainable development of the area.

Máire Daly
Planning Inspector

23rd December 2020