



An  
Bord  
Pleanála

## Inspector's Report APB-308271-20

### Development

(i) Renovation of single-storey cottage and construction of single-storey rear extension; (ii) construction of 1 no. dormer bungalow; (iii) construction of 2 no. 2-storey terrace blocks of 3 no. units each; (iv) new vehicular entrance to front, revisions to front boundary wall; (v) demolition of existing sheds, and all associated works.

### Location

Monksland, Athlone, Co. Roscommon

### Planning Authority

Roscommon County Council

### Planning Authority Reg. Ref.

PD/20/265

### Applicant(s)

Michael Mullaney

### Type of Application

Permission

### Planning Authority Decision

Refuse Permission

### Type of Appeal

First Part v. Decision

### Appellant(s)

Michael Mullaney

**Observer(s)**

(1) Pauline & Sean Mangan, David & Ciara Keogh, Clodagh & Mary McCann, Charles & Patricia Mullally, Paul & Deirdre Lennon, Ruth Campbell & Paul Naughton, James Cleary, Michael & Lily Curley and Melita Quirke.

**Date of Site Inspection**

22<sup>nd</sup> February 2021

**Inspector**

Louise Treacy

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.27 ha and is located at Monksland, Athlone, Co. Roscommon. The site is generally rectangular in shape and accommodates a single-storey, semi-detached cottage, which is located towards the southern end of the site adjacent to the public road. The dwelling was unoccupied and in poor condition at the time of my inspection. A single-storey garage structure is located immediately to the rear of the cottage. The remainder of the site comprises an overgrown garden area which extends to the side and rear of the cottage, with scrap material and mounds of waste vegetation noted in parts. The site boundaries to the neighbouring properties are poorly defined, with mature trees present to the north, north-east and north-west.
- 1.2. The site is bounded by the public road to the front (south), an estate of 2-storey dwellings known as Ross Árd/ Mount William Court to the rear (north/north-east), by the adjoining single-storey cottage to the east and by a detached dormer bungalow to the west. An undeveloped greenfield site is located to the north-east of the subject site, between the adjoining cottage and the Ross Árd/ Mount William Court estate.
- 1.3. The boundary treatment to the front of the dwelling is characterised by a low rendered wall with metal railings above and pedestrian and vehicular entrances. Thereafter, the boundary is characterised by a stone wall, which screens the garden area in views of the site from the public road.
- 1.4. The public footpath on the northern side of the road terminates at the vehicular entrance to the site. The footpath is substandard in width to the front of the site and the adjoining cottage in an easterly direction of approx. 35 m. The footpath is reinstated thereafter, where it links to a pedestrian crossing further to the east. A continuous footpath extends along the southern side of the carriageway opposite the subject site.
- 1.5. The neighbouring lands along the public road to the south of the site are generally characterised by a variety of single and 2-storey detached residential properties on large plots.

## 2.0 Proposed Development

- 2.1. The development will consist of: (1) the renovation of the existing single-storey cottage and the construction of a single-storey extension to the rear; (2) the construction of 1 no. dormer bungalow; (3) the construction of 2 no. 2-storey terrace blocks, each consisting of 3 no. units; and (4) the construction of a new vehicular entrance to the front of the site, new internal street, revisions to existing front boundary wall, demolition of existing sheds, connection to all services and all ancillary site works.
- 2.2. The refurbished cottage will accommodate 2 no. double bedrooms and 1 no. single bedroom (3-bedroom/5-person), a reconfigured entrance, storage spaces and a bathroom. The proposed single-storey extension to rear will accommodate an open plan kitchen/living/dining room of 37.2 m<sup>2</sup>. The extension has a mono-pitch roof with an overall height of 4.585 m. Two off-street car parking spaces are proposed to the rear/side of the cottage, with a private amenity space to the rear of 82 m<sup>2</sup>.
- 2.3. The proposed dormer bungalow is located at the front of the site, adjacent to the proposed vehicular entrance and internal access road. The front building line generally reflects that of the existing cottage. The proposed dwelling is a 4-bedroom/7-person unit with a stated floor area of 119 m<sup>2</sup>. A private amenity space of 91 m<sup>2</sup> is proposed to the rear, with 2 no. off-street car parking spaces to the rear/side. The dwelling has an overall height of 7.015 m.
- 2.4. The 2 no. 2-storey terraced blocks are proposed at the rear/northern end of the site, each of which accommodates 3 no. dwellings. House type A is a 3-bedroom/5-person dwelling of 117 m<sup>2</sup>, while house type B is a 2-bedroom/4-person dwelling of 90 m<sup>2</sup>. Each block contains 1 no. type A unit and 2 no. type B units.
- 2.5. The proposed internal street extends in a north-south direction through the centre of the site and terminates in a hammerhead to the front of the terraced blocks. A total of 12 no. car parking spaces are arranged around the hammerhead to serve the terraced units (2 no. spaces each). Landscaped communal open spaces are proposed on either side of the internal access road in the centre of the site.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. Notification of the Decision to Refuse Permission issued on 1<sup>st</sup> September 2020 for 3 no. reasons, which can be summarised as follows:

- (1) The proposed development would give rise to overdevelopment, on a plot which is limited in terms of its size and configuration, and by reason of its overall concept, including its density and design, would be out of character with the existing pattern of development in the area, which predominantly consists of low-density residential development. The proposed development would be injurious to existing residential amenities, would depreciate the value of property in the vicinity and would be contrary to the “Existing Residential” land use zoning objectives of the site.
- (2) The proposed development, by reason of the site layout and overall design concept, fails to meet minimum design standards in terms of density and open space requirements set out in The Guidelines for Sustainable Residential Development in Urban Areas (2009), the Roscommon County Development Plan 2014-2020 and the Monksland/Bellanamullia Local Area Plan 2016-2022 and would result in a substandard form of development which would give rise to poor quality residential amenity for any potential residents.
- (3) In the absence of proposals to connect the subject site to the existing pedestrian network, it is considered that the proposed development would result in a substandard type of development and would have the potential to endanger public safety.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

3.2.2. Roscommon County Council’s Planning Officer noted that the Monksland/Bellanamullia Local Area Plan 2016-2022 stipulates a density of 20 units/ha on zoned residential lands in the plan area. The density of the proposed

development, at 33 units/ha, was considered to greatly exceed this standard and to compromise the quality of the overall development.

3.2.3. The Planning Officer considered that the proposed public and private open space did not meet the minimum requirements and that the quality of the public open space by compromised by the layout of the internal access road. It was also considered that the rear gardens of 3 of the 6 no. terraced dwellings and 2 of the detached dwellings did not meet the 11m requirement and that the area provided did not allow sufficient space for sheds, bins and clothes lines, as well as usable amenity space. The quality of the rear gardens was also considered to be compromised by their north-facing orientation and that access to 2 no. of the rear gardens is provided through the dwellings.

3.2.4. The Planning Officer also noted that the submitted planning report had not detailed how the car parking and road layout is DMURS compliant and it had not been confirmed how the development would connect to the public footpath network.

### 3.2.5. **Other Technical Reports**

3.2.6. **Roads and Transportation Department:** It has not been demonstrated how the proposed footpaths within the estate will connect safely to the public footpath network.

### 3.3. **Prescribed Bodies**

3.4. **Irish Water:** None received.

### 3.5. **Third Party Observations**

3.5.1. A total of 9 no. submission were made on the application by: (1) Cllr. Tony Ward, Carrick View, Curraghboy, Athlone, Co. Roscommon; (2) James Cleary, Old Tuam Road, Monksland, Athlone, Co. Roscommon, (3) Charles & Patricia Mullally, Monksland, Athlone, Co. Roscommon; (4) Clodagh & Mary McCann, Old Tuam Road, Monksland, Athlone, Co. Roscommon; (5) Paul & Deirdre Lennon, Larkfield View, Monksland, Athlone, Co. Roscommon; (6) Melita Quirke, Belvue, Old Tuam Road, Monksland, Athlone, Co. Roscommon; (7) Michael & Lily Curley, Monksland, Old Tuam Road, Athlone, Co. Roscommon; (8) Ruth Campbell & Paul Naughton, Larkfield House, Monksland, Athlone, Co. Roscommon; (9) Pauline & Sean Mangan

and David & Ciara Keogh c/o Dolan & Associates Ltd., Teach Mhuire, Church Street, Creagh, Ballinasloe, Co. Galway.

3.5.2. The issues which have been raised can be summarised as follows:

(1) the proposed development does not reflect the character of the area; (2) the lands are not suitably zoned for new residential development; (3) no footpath or universal access parking provision; (4) poor quality and inadequate communal and private open spaces; (5) a bat colony is present in the area and a bat survey should be undertaken in advance of the removal of site trees; (6) the stone wall boundary to the front of the site forms part of the Larkfield House Estate which is a Protected Structure, and its removal will detract from the heritage of the local area; (7) overdevelopment of the site; (8) additional traffic would contribute to existing dangerous traffic conditions; (9) overlooking of neighbouring residential properties; (10) inappropriate removal of on-site vegetation, including mature trees to northern boundary, resulting in negative impacts on local wildlife; (11) noise and pollution impacts from the local road on the proposed dormer bungalow; (12) the proposed bungalow is insufficiently set back from the public road and would endanger road safety and residents; (13) excessive development density; (14) the subject site cannot be characterised as an infill or backland site; (14) no road safety audit submitted; (15) sufficient lands are zoned elsewhere within the LAP boundary to facilitate new residential development.

## 4.0 Planning History

4.1. No planning history for the subject site.

4.2. **Planning Authority Reg. Ref. 19/592:** Planning permission granted on 25<sup>th</sup> February 2020 for a 2-storey dwelling, domestic garage, connection to public sewer and water main services, reconfiguration of the existing road entrance and all ancillary site development works at Monksland, Athlone, Co. Roscommon.

4.3. This permission relates to the greenfield site which adjoins the north-eastern boundary of the current appeal site (to the rear of the adjoining cottage).

4.4. This permission had not been implemented at the time of my site inspection.

## 5.0 Policy and Context

### 5.1. Roscommon County Development Plan 2014-2020

- 5.1.1. The Roscommon County Development Plan 2014-2020 remains in force pending the preparation of the 2021-2027 development plan.

### 5.2. Settlement Strategy

- 5.2.1. Monskland/Bellanamullia is identified as a Tier 2 settlement within the hierarchy of the County on foot of its population and status in terms of employment and service provision. As such, this settlement is seen as one of the key population growth centres of the County. It is envisaged that this settlement will develop as part of the larger settlement of Athlone Town, and as such, is designated as a Tier 2 – Special Category settlement.

### 5.3. Residential Density

- 5.3.1. Section 5.8.1 of the plan states that an average residential density of 20 units/ha is considered suitable for all Tier 2 towns. Site specific residential densities are considered in chapter 9 of the plan (section 9.6.6), which states that a density range of 20-35 units/ha will be considered for edge of centre sites.

### 5.4. Housing Policy

- 5.4.1. **Policy 5.1:** Facilitate the provision of an adequate supply of private housing in the County, in a manner consistent with the Core Strategy, Settlement Hierarchy and Housing Strategy, which will support the creation of sustainable communities through the provision of an appropriate range of housing types, sizes and high-quality residential environments.
- 5.4.2. **Policy 5.3:** Promote, where appropriate, higher density development on serviced lands in towns and villages, including infill and backland development, whilst having regard to existing settlement pattern and form as well as the principles outlined in the Guidelines for Planning Authorities – Sustainable Residential Development in Urban Areas, May 2009, DEHLG.
- 5.4.3. **Policy 5.5:** Ensure that new housing development in towns and villages is of appropriate scale, layout and quality design and that it relates to the character and form of the settlement.



## 5.5. Residential Development Management Standards

- 5.5.1. **Private 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.
- 5.5.2. **Communal Open Space:** Should be appropriately integrated into the overall residential layout and should comprise 10% of the gross site area for brownfield sites.
- 5.5.3. **Cycling/Walking Facilities:** Proposals should be submitted to link such facilities to established existing networks.

## 5.6. Monksland/Bellanamullia (Athlone West) Local Area Plan 2016-2022

### 5.7. Land Use Zoning

- 5.7.1. The site is subject to land use zoning “Existing Residential” (ER) which has the following objectives:
- (1) 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;
  - (2) Provide for infill residential development at a density and design appropriate to the area and needs of the community;
  - (3) Provide for new and improved ancillary social and community services;
  - (4) Improve accessibility from these areas to town centres;
  - (5) Provide for appropriately scaled retail facilities, in addition to local community and social facilities, for the immediate community;
  - (6) Require the inclusion of appropriate open spaces in developments in this zone.
- 5.7.2. Residential land uses are permitted in principle under this zoning objective.

## 5.8. Policies for Residential Development

- 5.8.1. **Policy 89:** Require that new residential accommodation meets the following: (1) high standards of design and necessary standards of energy consumption, sanitation and; (2) avoids developing on floodplains; (3) avoids traffic or environmental problems or damage to visual amenity; (4) incorporates suitable infill development on appropriate sites; and (5) avoids further ribbon development along roads within the development envelope and immediately contiguous thereto.

## 5.9. Policies for Urban Design and Residential Density

- 5.9.1. **Policy 109:** 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.

## 5.10. Infill Developments

- 5.10.1. Infill development must have due regard to the predominant existing uses, building lines and heights, design features, as well as the existence of particular features such as built heritage, trees and open spaces. Proposals for infill development must demonstrate how they will integrate satisfactorily with the adjoining developments, without loss of amenity.

## 5.11. Car Parking

- 5.11.1. Car parking for residential developments is required at a rate of 1.5 spaces per unit for dwellings with 1-3 bedrooms, with 2 spaces required for dwellings with 4+ bedrooms.

## 5.12. Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009)

- 5.12.1. These Guidelines set out the key planning principles which should guide the preparation and assessment of planning applications for residential development in urban areas.
- 5.12.2. The lands within the boundary of the Monksland/Bellanamullia LAP can be categorised as a small town with respect to these Guidelines. In terms of overall scheme design, the Guidelines state that each residential scheme within a small town should be designed to: (1) make the most effective use of the site; (2) make a positive contribution to its surroundings; (3) have a sense of identity and place

appropriate to the character of the area; (4) provide for effective connectivity, especially for pedestrians and cyclists; (5) include a design approach to public spaces that is guided by the best principles of passive surveillance.

5.12.3. The Guidelines also advise on appropriate residential densities for edge of centre sites, where the emphasis will be on achieving a successful transition from central areas to areas at the edge. Given the transitional nature of such sites, densities of 20-35 dwellings per hectare are deemed appropriate, including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation.

**5.13. Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities (2007)**

5.14. These Guidelines set out target gross floor areas for a range of different dwelling types. Those which are relevant to this appeal case are identified below.

<b>House Type Bedroom (B) Person (P) Storeys (S)</b>	<b>Target GFA (m<sup>2</sup>)</b>	<b>Min. main living room (m<sup>2</sup>)</b>	<b>Aggregate living area (m<sup>2</sup>)</b>	<b>Aggregate bedroom area (m<sup>2</sup>)</b>	<b>Storage (m<sup>2</sup>)</b>
<b>2-B/4-P/2-S</b>	80	13	30	25	4
<b>3-B/5-P/2-S</b>	92	13	34	32	5
<b>4-B/7-P/2-S</b>	110	15	40	43	6

5.14.1. The Guidelines also recommend the following:

- A main bedroom area of at least 13 m<sup>2</sup> in dwelling for 3+ persons;
- Double bedroom of at least 11.4 m<sup>2</sup> (min. width 2.8 m)
- A single bedroom of at least 7.1 m<sup>2</sup> (min. width 2.1 m);
- Min. obstructed living room width of 3.6 m for 2-bedroom dwellings and 3.8 for 3-bedroom dwellings.

## 5.15. **National Planning Framework (NPF): Project Ireland 2040**

- 5.15.1. The NPF seeks to secure compact and sustainable growth patterns in existing settlements to increase the supply of housing, support local services, and enable people to live closer to places of employment and recreational opportunities. Athlone is identified as a Regional Centre under the NPF.
- 5.15.2. **National Policy Objective 3c:** Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.
- 5.15.3. **National Policy Objective 11:** In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- 5.15.4. **National Policy Objective 33:** Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- 5.15.5. **National Policy Objective 35:** Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

## 5.16. **Northern and Western Regional Assembly Regional Spatial and Economic Strategy (RSES) 2020-2032**

- 5.16.1. The RSES reflects the NPF objectives in relation to compact urban development and highlights that the health of villages and towns in the Region can be significantly influenced through the delivery of new housing by utilising existing buildings, brownfield/infill sites or otherwise.

**Regional Policy Objective 3.2 (b):** Deliver at least 40% of all new housing targeted in the Regional Growth Centres, within the existing built-up footprint.

## 5.17. **Natural Heritage Designations**

- 5.17.1. None.

## 5.18. EIA Screening

5.18.1. Having regard to the nature and scale of the proposed development, comprising the refurbishment/extension of an existing dwelling and the construction of 7 no. additional residential dwellings on zoned land in an established urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment 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. A first party appeal has been lodged by Alan Cunniffe on behalf of the applicant, the grounds of which can be summarised as follows:

- The proposed development is located on a serviced, infill site where residential development is permitted under the zoning objective;
- The proposed scheme fully aligns with national planning policy in terms of both qualitative and quantitative standards;
- The proposed development is a much more sustainable development approach compared with individual houses on large plots, such as that permitted on the adjacent site;
- The Planning Authority has not justified how the proposed development would be injurious to local residential amenities, with a robust design approach undertaken to ensure no such negative impacts will occur;
- The new residential community will enjoy a secure, well-designed and landscaped scheme, close to Monksland village, high-end employment and Athlone Town which are accessible by public and private transport modes;
- A mix of unit types are proposed to cater for a broad mix of households;
- The proposed communal open space exceeds the 10% requirement for brownfield sites as identified in the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009). A total of 12% is

proposed in 2 no. pockets of functional space in the cul-de-sac, with the internal street intended to be used as a shared space by residents;

- The requirement for an 11m back garden is not a prescribed standard and is only applicable for directly opposing 1<sup>st</sup> floor windows;
- The proposal complies with DMURS as follows: car parking is at grade with the street, the footpath is at grade, junction radii have been tightened to 4.5m, a second footpath has been omitted to encourage activity to spill out onto the street, the internal street is 5.5m in width but could be reduced to 5 m, the design espouses the homezone/shared street concept;
- Athlone is designated as a Regional Centre under the National Planning Framework (NPF) and the Roscommon County Development Plan and Monksland LAP will be updated to reflect this designation and relevant objectives of the NPF relating to sustainable development and transport modes and increased residential densities;
- The proposed development is also fully aligned with objective 11 of the NPF and the requirement to achieve 40% of all new housing on brownfield land;
- The 1<sup>st</sup> floor windows at the end of the terrace units have been angled to avoid overlooking of neighbouring properties as per the guidance concerning privacy and amenity set out in the Urban Design Manual;
- Roscommon County Council has provided no qualitative or quantitative assessment to show how the proposed development fails to comply with the LAP, with the proposal addressing each item of Section 8.1.6 of the plan concerning Urban Design and Residential Density;
- The planning assessment of Roscommon County Council advocates the continuation of suburban housing development on large plots as opposed to maximising land efficiency as currently proposed;
- The Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009) state that edge of centre sites should accommodate residential densities of between 20 – 35 units/ha, with varying unit types. The proposed development is consistent with this approach,

especially given the status of Athlone under the NPF, and its location relative to physical and social infrastructure and employment centres;

- Drawing No. RSA-020/22/06 (Site Entrance Details) clearly shows a footpath connection from the site to the existing footpath running east, which was overlooked by the Planning and Roads Departments of Roscommon County Council. It is acknowledged that the footpath narrows to c. 900mm opposite the adjoining residence;
- The lines of sight in both directions are more than adequate to allow safe crossing, either opposite the site to a 2 m wide footpath or further east at the designated pedestrian crossing;
- This footpath remains incomplete following a recent upgrade by the Roads Department of Roscommon County Council;
- Roscommon County Council did not avail of an opportunity to set back the boundary wall of the adjoining semi-detached cottage by 1 m to enhance the connectivity of the area in their assessment of Planning Application Reg. Ref. 19/592, with the unfinished nature of the footpath not raised as an issue;
- It is submitted that this set-back can be achieved by the Planning Authority by way of planning compliance, as the proposed entrance drawing for this application indicated a set-back in this location;
- The public carriageway is of sufficient width to allow a reduction to further enhance connectivity by footpaths. The white zig-zag line could also be extended west on approach to the pedestrian crossing and the footpath width increased if so desired;
- The entire area is adequately served by public lighting, all within the designated 50km/hr area, and given the modest nature of the proposal, it will not endanger public safety.

6.1.2. The appeal submission includes photographs of the eastern and western site boundaries and the existing footpath connections. An extract of a planning drawing which accompanied Planning Application Reg. Ref. 19/592 on the adjoining site is also included.

## 6.2. **Planning Authority Response**

6.2.1. None received.

## 6.3. **Observations**

6.3.1. One observation has been made on the appeal by Dolan and Associates Ltd. on behalf of (1) Pauline and Sean Mangan, (2) David and Ciara Keogh, (3) Clodagh and Mary McCann, (4) Charles and Patricia Mullally, (5) Paul and Deirdre Lennon, (6) Ruth Campbell and Paul Naughton, (7) James Cleary, (8) Michael and Lily Curley, and (9) Melita Quirke.

6.3.2. The points which are raised in the observation reflect those submitted to the Planning Authority (see section 3.5.2 of this report for details).

6.3.3. In addition, it is submitted that the altering of the footpath to the east of the subject site is outside of the applicant's control. It is further submitted that if the development permitted under Planning Application Reg. Ref. 19/592 is constructed, this footpath is not scheduled for any alterations under this application.

## 6.4. **Further Responses**

6.4.1. None.

## 7.0 **Assessment**

7.1. I am satisfied that the main issues for consideration in this case include:

- Development Density
- Land Use Zoning
- Scheme Design and Layout
- Pedestrian Connections
- Existing Vegetation and Boundary Treatments
- Appropriate Assessment

7.2. Each of these issues is addressed in turn below.



### 7.3. Development Density

- 7.3.1. Refusal reason no. 1 of Roscommon County Council's Notification of the Decision to Refuse Permission states, inter alia, that the proposed development, by reason of the overall concept, including density and design, would be out of character with the existing pattern of development in the area, which predominantly consists of low-density residential development on larger, individual plots.
- 7.3.2. While I acknowledge that the pattern of development along the public road is low density residential development, in my opinion, the Planning Authority's assessment fails to consider the character of the Ross Árd/ Mount William Court estate to the rear of the subject site, which includes a mixture of 2-storey, semi-detached and terraced dwelling units. In addition, while the proposed development would introduce a new building line to the rear of the existing cottage, this pattern of development reflects the 2-storey dwelling which the Planning Authority permitted to the rear of the adjoining cottage (Planning Authority Reg. Ref. 19/592 refers). Having regard to the foregoing, I consider that the proposed development density would reflect the established residential density of all developments adjoining the site and not just those adjoining along the public road.
- 7.3.3. The subject site has a stated area of 0.27 ha. The proposed development seeks to deliver 7 no. additional dwellings, resulting in an overall density of 30 units/ha. While the Roscommon County Development Plan states that an average residential density of 20 units/ha is considered suitable for all Tier 2 towns, further site-specific guidance in Section 9.6.6 of the plan states that densities of 20-35 units/ha may be considered for edge of centre sites. This reflects the provisions of the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009). I note that the more recently adopted NPF also promotes compact and sustainable urban growth patterns in existing settlements to increase housing supply.
- 7.3.4. Having regard to the foregoing, I consider that the proposed development density would be appropriate on the subject site, having regard to its residential land use zoning, its location in an established urban area which is served by public water and wastewater infrastructure and having regard to the established density of the residential developments in the immediate vicinity.

#### 7.4. Land Use Zoning

- 7.4.1. Refusal reason no. 1 of Roscommon County Council's Notification of the Decision to Refuse Permission states, inter alia, that the proposed development would be injurious to existing residential amenities, would depreciate the value of property in the vicinity and would be contrary to key land use zoning objectives pertaining to this 'Existing Residential' land use, including to "protect and enhance the residential amenities of existing and new residential communities" and "provide for infill residential development at a density and design appropriate to the area and needs of the community".
- 7.4.2. In reviewing the Planning Officer's report, I note that no discussion is contained therein to demonstrate how the proposed development would be injurious to existing residential amenities. In my opinion, the proposed development responds appropriately to the existing context. In reaching this conclusion, I note that the building line of the proposed dormer bungalow to the front of the site generally reflects that of the existing cottage, while the 2 no. terraced blocks to the rear generally reflect the building line of the permitted 2-storey dwelling on the adjoining site to the north-east (Planning Authority Reg. Ref. 19/592 refers). The rear gardens of the proposed terraced blocks back onto the internal road and open space within the Ross Árd/ Mount William Court estate, with separation distances of between 55 – 58 m arising to the opposing dwellings to the north. As such, I consider that the proposed development would have no impact on the residential amenities of these existing dwellings.
- 7.4.3. I acknowledge that the proposed development would introduce 2 no. dwellings directly adjacent to the western site boundary and the neighbouring dormer bungalow. I note that a separation distance of 18.06 m would arise between the front elevation of the existing dormer bungalow and the rear elevation of the proposed dormer bungalow. A separation distance of 16.04 m would arise between the rear elevation of the existing dormer bungalow and house no. 3 within the proposed terraced block at the rear of the site.
- 7.4.4. Having regard to these separation distances, and the significant front and rear garden spaces on the adjoining site, I do not consider that the proposed development would have an unacceptable overbearing impact on the existing

dwelling. I further consider that the proposed development would not have any material overshadowing impact on the neighbouring dormer bungalow, given the orientation of the proposed development to the south-east and north-east of the existing property.

- 7.4.5. I further note that 3 no. rooflights are proposed within the rear dormer structure and that no windows are proposed in the western gable elevation, which would eliminate the potential for overlooking of the adjoining dormer bungalow. The windows which are proposed at 1<sup>st</sup> floor level of the front elevation of house no. 3 serve an en-suite bathroom directly adjacent to the western site boundary and a bedroom. The window serving the bedroom is orientated in a south-easterly direction, away from the rear garden of the neighbouring property. I note that a bathroom window is also proposed at 1<sup>st</sup> floor level on the western gable elevation.
- 7.4.6. Having regard to the configuration of the fenestration serving proposed dwelling no. 3, I consider that no unacceptable overlooking would occur of the neighbouring dwelling to the west. In the event An Bord Pleanála considers granting permission for the proposed development, I recommend that the bathroom windows at 1<sup>st</sup> floor level on the front and gable elevations of house no. 3 should be permanently maintained in obscure glazing to ensure no overlooking occurs. This matter can be addressed by way of planning condition.
- 7.4.7. I note that the same internal layout and fenestration arrangement is proposed at 1<sup>st</sup> floor level of house no. 8 within the terrace block adjacent to the eastern site boundary. Similarly, I consider that this arrangement would eliminate the potential for undue overlooking of the permitted dwelling on the adjoining site to the east and the existing single-storey cottage to the south-east. As recommended above, I consider that the bathroom windows at 1<sup>st</sup> floor level on the front and gable elevations of house no. 8 should be permanently maintained in obscure glazing if planning permission is granted in this instance. This matter can be addressed by way of planning condition.
- 7.4.8. The proposed single-storey extension to the existing cottage has a mono-pitch roof, with a height of 3 m and a set-back of 1.565 m – 2.2 m from the shared boundary. In my opinion, the proposed extension would have no negative impact on the

residential amenities of the adjoining single-storey cottage, having regard to its scale and configuration.

- 7.4.9. Thus, in my opinion, the proposed development would not be contrary to the “Existing Residential” land use zoning which applies to the site. As such, I consider that the proposed development would be acceptable in principle and that no undue negative impacts would arise to any neighbouring property on foot of the proposed development.

## **7.5. Scheme Design and Layout**

- 7.5.1. Refusal reason no. 2 of Roscommon County Council’s Notification of the Decision to Refuse Permission states, inter alia, that the proposed development fails to meet minimum design standards in terms of density and open space requirements as set out in the Guidelines for Sustainable Residential Development in Urban Areas (2009), section 9.6 of the Roscommon County Development Plan 2014-2020 and chapter 8 of the Monksland/Bellanamullia LAP 2016-2022, in particular sections 8.1.6 (urban design and residential development), 8.1.8 (design guidelines for residential estates) and 8.2.6 9 (infill development). As such, it was considered that the proposed development would result in a substandard form of development which, if permitted, would give rise to poor quality residential amenity for future residents.
- 7.5.2. In considering the scheme design and layout, I note that the 7 no. proposed residential units comprise 1 no. 4-bedroom/7-person unit of 119 m<sup>2</sup>, 2 no. 3-bedroom/5-person units of 117 m<sup>2</sup> and 4 no. 2-bedroom/4-person units of 90 m<sup>2</sup>. All of the units exceed the target gross floor areas identified in the Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities (2007). The existing dwelling and each of the proposed dwellings will be served by 2 no. car parking spaces, which exceeds development plan standards.
- 7.5.3. In assessing the quantum and layout of the public/communal open space serving the proposed development, Roscommon County Council’s Planning Officer considered that the minimum requirement for 15% of the site area had not been achieved. It was also considered that the subdivision of the public/communal space by the internal access road compromised its quality, safety and usability.

- 7.5.4. In considering the foregoing, I note that 2 no. separate parcels of public/communal open space are proposed on either side of the internal road. The annotation included on the Site Layout Plan (Drawing No. RSA-020/22/02) states that the public/communal open space accounts for a total of 0.0315 ha or 12% of the site area.
- 7.5.5. I note that the area figures which are quoted for the individual open spaces on this drawing (0.2 ha and 0.158 ha) do not tally with the overall figure of 0.0315 ha. Based on my examination of the drawing, I consider that an area of approx. 300 m<sup>2</sup> is proposed, which equates to 11% of the total site area (0.27 ha). While Roscommon County Council's Planning Officer states that 15% of the site area is required as communal open space, a figure of 10% for brownfield sites is quoted in the Roscommon County Development Plan. As such, I consider that the quantum of public/communal open space would be acceptable in this instance.
- 7.5.6. I acknowledge that the open space is subdivided by the internal access road. However, in my opinion, given the length of the road, the likely low traffic speeds and volume of vehicle movements, the layout is acceptable. I further note that the spaces are centrally located within the site, and as such, would benefit from informal overlooking from the 2 no. terraced blocks at the rear of the site and by way of pedestrian movements within the site.
- 7.5.7. Roscommon County Council's Planning Officer considered that the 2 no. detached dwellings and 3 no. terraced dwellings did not meet the requirement for an 11 m rear garden. It was also considered that insufficient space was provided for sheds, bins and clothes lines, and that the quality of the rear gardens was compromised by their north-facing orientation. It was further noted that access to 2 no. rear gardens could only be achieved through the individual dwellings.
- 7.5.8. The applicant's agent submits that the Planning Officer's assessment is a fundamental misinterpretation of national and local policy and that the requirement for an 11 m rear garden only applies in the context of directly opposing 1<sup>st</sup> floor windows. I agree with the applicant's agent in this instance. I also note that the residential development management standards of the Roscommon County Development Plan 2014-2020 identifies a requirement for a back-to-back distance of 22 m between dwelling units. In this regard, I note that there are no directly opposing

dwellings to the rear of the proposed terraced blocks, while a separation distance of 35 m arises between the dwellings within the site.

- 7.5.9. The development plan states that reductions in the required open space standard 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. A minimum private open space requirement per dwelling type is not identified in the local policy documents.
- 7.5.10. In considering the matter at hand, I note that the existing cottage will be served by a rear garden of 82 m<sup>2</sup>, while the proposed dormer bungalow will have a rear garden space of 91 m<sup>2</sup>. The rear gardens serving the terraced units range from 55 – 65 m<sup>2</sup> for the 2-bedroom units and 70 – 85 m<sup>2</sup> for the 3-bedroom units. All private open spaces have a regular configuration. In my opinion, the proposed rear amenity spaces would be sufficient for amenity and ancillary purposes, such as bin storage.
- 7.5.11. While all rear gardens are north-facing as identified by the Planning Officer, I consider that there are no national or local planning standards which preclude such an arrangement. I also acknowledge that the occupants of house nos. 4 and 7 in the centre of the terraced blocks will access their rear gardens from within the dwellings. In my opinion, this is an entirely standard arrangement for terraced dwellings. I also note that it reflects the terraced blocks in the adjoining Ross Árd/ Mount William Court estate to the north of the appeal site.
- 7.5.12. As such, given the infill nature of the site, the regular configuration and layout of the spaces and the objectives of the NPF, which seek to secure compact and sustainable growth patterns in urban areas, I consider that the proposed private open space to serve the existing and proposed dwellings would be acceptable.

## **7.6. Pedestrian Connections**

- 7.6.1. Roscommon County Council considered that in the absence of proposals to connect the subject site to the existing pedestrian network, the proposed development, if permitted, would result in substandard development, and would have the potential to endanger public safety. As such, the development was considered contrary to Policy 8.4 of the development plan, which relates to social inclusion and seeks to promote the development of, and access to, public transport and safe pedestrian routes. The development was also considered to be contrary to a key land use zoning objective

pertaining to the “Existing Residential” land use, which is to improve accessibility from these areas to town centres.

- 7.6.2. In responding to the foregoing, the applicant’s agent submits that Drawing No. RSA-020/22/06 (Site Entrance Details) which accompanies the application, shows a footpath connection from the site to the existing footpath running east. However, the applicant’s agent acknowledges that the footpath narrows opposite the adjoining cottage. I note that the lands on which the footpath is located are outside of the applicant’s control.
- 7.6.3. The applicant’s agent has suggested several solutions to the restricted footpath width to the east of the site. It is submitted that the lines of sight in both directions are more than adequate to allow safe crossing, either to the 2 m wide footpath on the opposite side of the public road, or further east at the designated pedestrian crossing. It is also submitted that an increased footpath width could be achieved by way of planning compliance in relation to the permitted development on the neighbouring site to the north-east (Planning Authority Reg. Ref. 19/592 refers), or alternatively, by reducing the width of the public carriageway. The applicant’s agent concludes that the area is adequately served by public lighting, all within the designated 50km/hr area, and given the modest nature of the proposal, it will not endanger public safety.
- 7.6.4. In reviewing the online records of the Planning Authority, I note that no improvement works were proposed to the footpath to the east of the subject site under Planning Authority Reg. Ref. 19/592. As such, I consider that the assertion made by the applicant’s agent that this matter could be resolved by way of a planning compliance submission is incorrect. In addition, I note that the Roads and Transportation Department of Roscommon County Council has not indicated that the width of the public carriageway could be reduced to facilitate footpath improvements for the benefit of the proposed development.
- 7.6.5. In my opinion, the existing footpath connection to the east of the site is significantly substandard for a length of 35 m and I note that it reduces to less than 1 m in parts. I also note that no footpath connection exists to the west of the subject site. As such, no continuous pedestrian connections exist between the subject site and the surrounding public footpath network for the benefit of pedestrians, wheelchair users,

and those with buggies etc. While I acknowledge that a continuous footpath adjoins the southern side of the public carriageway, future residents would be required to cross a busy roadway with a 50 km/hr speed limit zone to access same. In my opinion, this is an unacceptable arrangement and would lead to a conflict between pedestrians and vehicular traffic at this location.

- 7.6.6. Thus, I agree that the proposed development would endanger public safety by reason of the absence of suitable pedestrian connections to the public footpath network. As such, in my opinion, planning permission should be refused on this basis. In the event the Board disagrees with my assessment, I note that they may wish to seek further information in relation to this matter.

## **7.7. Existing Vegetation and Boundary Treatments**

- 7.7.1. The presence of bats on site was identified as an issue in the third-party submissions on this case. The removal on-site vegetation was also highlighted as concern with respect to its impact on local wildlife. In the event the Board considers granting planning permission in this instance, I consider that these issues could be addressed by the undertaking of appropriate on-site investigations prior to the commencement of development. This matter could be addressed by planning condition.
- 7.7.2. It has also been submitted that the existing stone wall at the southern site boundary forms part of the Larkfield House Estate, which is asserted to be a Protected Structure, and that its removal will detract from the heritage of the local area. I note that the LAP confirms there are no buildings listed on the Record of Protected Structures (RPS) within the plan boundary. Appendix 3 of the plan identifies Larkfield House as a property which could be considered for protection on the RPS.
- 7.7.3. In my opinion, the removal of the existing stone wall at the southern site boundary would not be sufficient grounds to refuse planning permission for the proposed development given that the wall is not a designated Protected Structure. In the event the Board considers granting permission for the proposed development, it may be appropriate to request the undertaking of a conservation assessment in relation to this matter, which could be addressed by planning condition.



## **7.8. Appropriate Assessment**

- 7.8.1. Having regard to the nature and scale of the proposed development, the residential land use zoning of the site, 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.

## **7.9. Conclusion**

- 7.9.1. The subject site is suitably zoned for residential purposes, and in my opinion, the density, layout and form of the proposed development is acceptable and would have no significant negative impact on the residential amenities of adjoining properties. I also consider that the proposed development density would be in accordance with the objectives of the NPF which seek to deliver more compact residential development in urban areas to make the most efficient use of public infrastructure and increase housing supply.
- 7.9.2. However, I consider that the provision of suitable pedestrian connections between the subject site and the public footpath network to the east of the site has not been adequately resolved. On the basis of the foregoing, I consider that planning permission should be refused in this instance.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission be refused in this instance.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the absence of suitable pedestrian connections between the subject site and the existing public footpath network, and the location of the site within the 50 km/hr traffic speed zone, it is considered that the proposed development represents an inappropriate form of development, which would create an unacceptable conflict between pedestrian users and vehicular traffic and would endanger public safety by reason of traffic hazard. As such, the proposed development would be contrary to the proper planning and sustainable development of the area.

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Louise Treacy  
Planning Inspector

10<sup>th</sup> March 2021