



An
Bord
Pleanála

Inspector's Report

ABP-308354-20

Development	Retention of single story apartment, internal alterations to change 2 bedroom apartment into 1 bedroom apartment and associated site works.
Location	No 4A, St Mary's Street, Edenderry, Co. Offaly
Planning Authority	Offaly County Council
Planning Authority Reg. Ref.	20/307
Applicant(s)	Fiona Bagnall
Type of Application	Permission for Retention and Permission
Planning Authority Decision	Refuse Permission for Retention and Permission
Type of Appeal	First Party v Refusal of Permission for Retention and Permission
Appellant(s)	Fiona Bagnall
Observer(s)	None
Date of Site Inspection	08.12.2020

Inspector

Anthony Kelly

1.0 Site Location and Description

- 1.1. The site is located on St. Mary's St. in a central location in the town of Edenderry in east Co. Offaly.
- 1.2. There is a two-storey semi-detached house (No. 4) onto the public footpath at the front of the site. There is a vehicular laneway adjacent to the side of the house separating the house from a single-storey structure. The laneway appears to be shared by both properties. The site is relatively long (approx. 46 metres) and narrow (approx. 10 metres). The residential unit to be retained (No. 4A) is to the rear of the two-storey semi-detached house, accessed via the laneway. This single storey area is externally finished in unpainted render and there are outbuildings further to the rear.
- 1.3. The site has an area of 0.0511 hectares.

2.0 Proposed Development

- 2.1. Permission for retention and permission is sought as follows:
 - Permission to retain the existing single storey apartment to the rear of the existing house,
 - Permission for internal alterations to change the current two-bed unit to a one-bed unit, insertion of an escape window and new vehicular parking, bin store and associated site works.
- 2.2. The 'original' house (No. 4) has a floor area of 68sqm and a height of approx. 6.3 metres. The floor area to be retained is 48sqm and the single storey structure has a maximum height of approx. 3 metres.

3.0 Planning Authority Decision

3.1. Decision

Offaly County Council refused the application for the following reason:

1. Having regard to the retention permission for an apartment to the rear of an existing dwelling, it is considered that the intensification of the existing entrance would endanger public safety by reason of traffic hazard. The development, by virtue of inadequate sightlines available at the vehicular access would endanger public safety by reason of traffic and pedestrian hazard, and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

- 3.2.1. The planning authority's Planning Report forms the basis for the decision. It concludes that, though the first reason for refusal cited under P.A. Reg. Ref. 20/2 i.e. apartment floor area, has been addressed, the second reason for refusal i.e. traffic safety, has not been addressed.

3.2.2. **Other Technical Reports**

Area Engineer – The Area Office has serious reservations due to traffic entering and exiting and the close proximity to a very busy junction. It presents an unacceptable safety hazard.

Roads Section – Refusal recommended. Inadequate sightlines at the vehicular access would endanger public safety by reason of traffic and pedestrian hazard.

Environment & Water Services – No objection subject to conditions.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

- 4.1. The relevant planning history of the site is:

P. A. Reg. Ref. 20/2 – Permission for retention and permission was refused in 2020 for retention of a single storey two bed apartment to the rear of the house and permission for two escape windows and new vehicular parking, bin store and associated site works for two reasons: (i) inadequate floor area contrary to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) and, (ii) the intensification of the existing entrance would endanger public safety by reason of traffic and pedestrian hazard by virtue of inadequate sightlines available at the vehicular entrance.

- 4.2. A section 97 exemption certificate was issued to the applicant under P.A. Reg. Ref. E.C. 552 for the residential unit.

5.0 Policy Context

5.1. Offaly County Development Plan 2014-2020 (as amended)

- 5.1.1. Housing is referenced in Chapter 1 (Core Strategy and Settlement Strategy) of the Plan. Development management standards are contained in Chapter 8.

5.2. Edenderry Local Area Plan 2017-2023 (LAP)

- 5.2.1. The site is in an area zoned 'Residential'. The zoning objective 'shall be taken to primarily include the use of land for domestic dwellings (including group housing for members of the travelling community), convents and civic institutions. It may also provide for a range of other uses particularly those that have the potential to foster the development of new residential communities for example, schools, crèches, local convenience store, doctor/dental surgeries, open space (formal and informal) etc.'
- 5.2.2. Design guidance is contained within Chapter 7 of the LAP.

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

- 5.3.1. These guidelines are relevant to the proposed development.

5.4. Natural Heritage Designations

The closest Natura 2000 site is The Long Derries, Edenderry SAC approx. 3.1km to the south east. The closest heritage area is Grand Canal pNHA approx. 70 metres to the east.

5.5. EIA Screening

Having regard to the nature and scale of the development and the nature of the receiving environment, which is a fully serviced urban location, there is no real likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination stage, and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main points made in the first party grounds of appeal can be summarised as follows:

- All houses and properties on St. Mary's St. and JKL St. have individual or shared vehicular entrances. There are numerous uncontrolled pedestrian crossings in the vicinity. The entrance is in existence since the mid-1800's. It is typical of a DMURS situation with the numerous crossings and entrances and motorists sharing space with cyclists and pedestrians. The Council made no provision for deliveries/loading to commercial units when the street markings were recently upgraded. The development will give rise to perhaps no more than two traffic movements per day and is likely to have no impact on traffic.
- The development complies fully with Development Strategy G2 (Town Centre Revitalisation) of the LAP.
- The development is on Main St., close to shops, schools and church. Traffic generated will mainly be pedestrian.

- There is a proposal to bypass the town which should alleviate congestion in the medium to long term.

6.2. **Planning Authority Response**

The detail of the appeal is noted and has been considered. The Board's attention is brought to the Planner's Report. The Board is requested to support the planning authority's decision.

6.3. **Observations**

None.

6.4. **Further Responses**

None sought.

7.0 **Assessment**

The main issues are those raised in the grounds of appeal and the Planning Report. I consider the issues of residential amenity and appropriate assessment also need to be addressed. The issues can be dealt with under the following headings:

- Zoning
- Traffic/Vehicular Entrance
- Residential Amenity for Occupants
- Residential Amenity for Adjacent Properties
- Appropriate Assessment

7.1. **Zoning**

- 7.1.1. The development is located in an area zoned for residential use. Residential development is 'normally permitted' under this zoning in the Offaly County Development Plan 2014-2020. The principle of development is therefore acceptable, subject to the detailed considerations below.

7.2. Traffic/Vehicular Entrance

- 7.2.1. This issue is a significant consideration in this planning application because it forms the basis of the County Council's decision to refuse permission. The Council decision was informed by the Area Engineer and Road Section reports. The Council consider that the intensification of the existing entrance would endanger public safety by traffic and pedestrian hazard because of the sightlines available at the vehicular access.
- 7.2.2. The existing laneway between the site and the adjacent property to the north east is identified as a right of way. It can only cater for one vehicle at a time close to the entrance and it has a dimensioned width of 2.763 metres. The public footpath is dished at the entrance location and there is a yellow hatched box on the public road adjacent to the entrance. The vehicular access into the rear of the site and the car parking and open space areas shown on the Site Layout Plan are not in place. The rear area of the site was overgrown on inspection and vehicular access past the single storey area subject to retention could not be achieved. The Site Layout Plan shows a separation of 2.43 metres between the single storey area and the side boundary. Circulation space within the site is quite limited and access would be relatively narrow and tight from the public road to the proposed car parking spaces to the rear. However, the Council's Roads Section or Area Engineer does not cite a specific concern with these issues.
- 7.2.3. While I acknowledge the decision of the Council and accept that the sightlines at the junction of the access laneway and public road are restricted, the access laneway is in situ and has clearly been used for vehicular access. It is not a completely 'blind' access. The footpath is dished and there is a yellow box on the public road. These types of accesses are common and there are two other similar examples within approx. 50 metres to the south west. These properties extend a significant distance further to the rear of the buildings which are built onto the footpath. Residential development is normally permitted in this zoned area and it is located in close proximity to the town centre zoned area and to community facilities such as schools, church etc. In principle, I consider the site location to be acceptable and would increase housing stock in a brownfield site within the urban area. Policy DG4 of the LAP states it is policy 'to encourage and facilitate backland development, where this development strengthens the commercial or residential functions of the town centre or areas close to the centre, provided that such development is done in a coordinated fashion and

does not adversely affect the intrinsic character of the town centre or its natural heritage'. I consider the development is consistent with this policy.

- 7.2.4. The reason for refusal makes specific reference to the intensification of use of the entrance area. However, as it would be intensified by an additional one bedroom unit, which is located in an urban environment and therefore close to many facilities and services, I do not consider the intensification would be significant. Any further application that may be made for intensification of this laneway would be considered on its merits.
- 7.2.5. Sightlines are restricted at the entrance. Specific sightlines have not been provided on the Site Layout Plan. However, this is an urban environment, and, because of the nature and width of the access, I consider traffic entering or exiting would be going slowly. The physical layout of the immediate vicinity indicates to pedestrians and cyclists that there is a vehicular access at this location and, therefore, people would generally take appropriate caution. Likewise, drivers would be expected to be cautious when exiting the site because of the physical surroundings. I do not consider that the junction of St. Mary's St and St. Francis St. approx. 30 metres to the north east would have any significant impact on accessing or exiting the site.
- 7.2.6. Having regard to the foregoing, I consider that the reason for refusal cited in the planning authority decision is not warranted. The development comprises a single residential unit in a central urban location, which would utilise an existing vehicular access accessed by way of a dished footpath and a hatched yellow box. This is an urban environment and trip generation is likely to be less than if the residential unit was in a more peripheral location. Pedestrians, cyclists and drivers can all be expected to use a normal degree of caution in the vicinity of what is clearly a vehicular access/exit point. I consider that the proposed development would be acceptable in terms of traffic safety.

7.3. Residential Amenity for Occupants

- 7.3.1. Residential amenity for occupants has not been addressed in the Council's Planning Report. However, I consider it to be an important consideration for the planning application.
- 7.3.2. No. 4 has a floor area of 68sqm. Table 5.1 (Space provision and room sizes for typical dwellings) of the Quality Housing for Sustainable Communities Guidelines (2007) sets

out a floor area of 83sqm for a three-bedroom, four person, two-storey house. The floor area of the house prior to construction of the residential unit to be retained is not known. As this house is not a new-build I do not consider the non-adherence to the 83sqm floor area to be a critical issue.

7.3.3. The residential unit to be retained is referred to as an apartment throughout the application. An apartment is defined in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) as 'a self-contained residential unit in a multi-unit building with grouped or common access'. Therefore, I consider the residential unit to be retained is a house. Table 5.1 of the Quality Housing for Sustainable Communities Guidelines (2007) gives a floor area of 44sqm for a one bedroom, two person, single-storey house. Therefore, the 48sqm floor area of this house exceeds the floor area set out in the Guidelines. I do not consider the proposed escape window will have an effect on the design of the house to be retained. Given the nature of the application, I consider a condition should be attached to a grant of permission requiring the internal alterations to change the house to a one bedroom unit be carried out within a twelve month period. The exterior should also be painted.

7.3.4. The red line site boundary as outlined in the planning application includes No. 4, No. 4A, the vehicular circulation and car parking and an open space area. No specific detail of the operation of the site has been provided e.g. specific allocation of car parking spaces per unit etc. I consider that all communal services i.e. car parking, open space, bin store and bicycle shed, should be shared between both houses contained within the site boundary. I consider a condition to this effect should be included in a grant of permission for clarity. It would be unreasonable that No. 4 should be left with no car parking and no open space area. There is no direct access from the house to the rear of the site and residents would have to exit the front door of the original house and access the rear via the shared laneway. However, given the location of the site I consider this to be acceptable in the circumstances. Permission is sought in the application for a bin store. It appears this refers to a change of use of an existing outbuilding. It appears another outbuilding is to be used as a bicycle shed.

7.3.5. Approx. 70sqm open space is provided to the rear of the site. This is substantially less than the combined 108sqm private open space required for a one bedroom and a three bedroom house in the County Development Plan 2014-2020. Notwithstanding,

Section 4.3.5 (Scheme Layout and Design – Building Sustainable Communities – Private Space) of the Quality Housing for Sustainable Communities Guidelines (2007) states that provision may be required for shared open space where these cannot be accommodated within the curtilage of the dwelling. The Guidelines state such areas need to be carefully designed to ensure that they do not detract from the visual quality of the scheme. I consider that, given the nature and location of the development, a communal area open space area is acceptable and the 70sqm area is sufficient.

- 7.3.6. Three car parking spaces, including a disabled space, have been provided within the site boundary. The spaces meet the required dimensions. Table 8.2 (Car Parking Standards) of the County Development Plan 2014-2020 gives a standard of two spaces per unit so the development has a shortfall of one space. Section 8.16.2 of the Plan allows for a reduction in car parking standards, including a dispensation from payment of a contribution in lieu of a shortfall, in certain circumstances. Having regard to the number of spaces provided, the location of the site in the context of the town centre, the limited number of bedrooms in the houses being served and the absence of a significant increase in demand or pressure on existing on-street parking, I consider the number of spaces is sufficient and a dispensation from payment of a contribution in lieu of the shortfall is acceptable in this case.
- 7.3.7. Having regard to the foregoing, I consider that the development would be acceptable in terms of residential amenity for occupants. Notwithstanding, a twelve month duration to carry out the works to facilitate the development e.g. access, car parking and open space, is necessary and reasonable, in the interest of residential amenity.

7.4. Impact on Amenity of Adjacent Properties

- 7.4.1. Impact of the development on adjoining property has not been considered in the Council's Planning Report.
- 7.4.2. The structure to which No. 4 is attached, No. 5 St. Mary's St., appears to be occupied as a house. The building on the opposite side of the shared access laneway to the north is single storey in scale. The structure to be retained is relatively limited in terms of height, at approx. 3 metres. Though it has a length of 11.63 metres along the common boundary with No. 5, approx. 5 metres of this is effectively hidden from No.5 because of a return to the rear of that house. I do not consider there is any impact from the house as a result of overlooking, shadowing or overbearing impact. In

addition, I do not consider that the other alterations to the rear of the site i.e. car parking and open space, would have any undue impact on the adjacent properties.

- 7.4.3. I do not consider the house to be retained, and other works proposed, would have an undue adverse effect on the amenity of adjacent properties.

7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location remote from and with no hydrological pathway to any European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

I recommend that permission for retention and permission should be granted subject to conditions, for the reasons and considerations as set out below.

9.0 **Reasons and Considerations**

Having regard to the provisions of the Offaly County Development Plan 2014-2020, the Edenderry Local Area Plan 2017-2023 and the Quality Housing for Sustainable Communities Best Practice Guidelines for Delivering Homes Sustaining Communities issued by the Department of the Environment, Heritage and Local Government (2007), and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of pedestrian and traffic safety and would not seriously injure the amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be retained and carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Residents of both houses shall have full access to all communal facilities.

Reason: In the interests of clarity, residential amenity and the proper planning and sustainable development of the area.

3. The following works shall be carried out within twelve months of the date of grant of this permission, unless otherwise agreed in writing with the planning authority:
 - (a) Internal alterations to convert the existing residential unit to the rear to a one bedroom unit,
 - (b) Insertion of escape window,
 - (c) Painting of the exterior of the residential unit to be retained,
 - (d) Site works to provide for vehicular access, car parking and communal open space.

Photographic evidence and written confirmation of compliance with this condition shall be forwarded to the planning authority within one month of completion of the works.

Reason: In the interests of residential and visual amenity and the proper planning and sustainable development of the area.

4. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. Within three months of the date of grant of this permission, the applicant or developer shall enter into a water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the

planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Anthony Kelly

Planning Inspector

01.02.2021