



An  
Bord  
Pleanála

## Inspector's Report ABP308626-20

### Development

Demolition of existing dwelling and attached garage and the construction of 2 no. 3 storey type detached dwellings with a new vehicular entrance onto Pearse Road together with ancillary works.

### Location

Clevaragh Road and Pearse Road, Knocknaganny Td and Abbeyquarter South Td, County Sligo.

### Planning Authority

Sligo County Council.

### Planning Authority Reg. Ref.

20/293.

### Applicant

Aiden Tierney.

### Type of Application

Permission.

### Planning Authority Decision

Grant.

### Type of Appeal

Third Party.

### Appellants

John and Linda Heraghty and others.

### Observers

None.

### Date of Site Inspection

15<sup>th</sup> February, 2021.

### Inspector

Paul Caprani.

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## **1.0 Introduction**

ABP308626-20 relates to a third-party appeal against the decision of Sligo County Council to grant planning permission for the demolition of an existing house and associated garage structures and to construct 2 no. three-storey detached dwellings together with a new vehicular entrance at a site in the southern environs of Sligo Town near the junction of Pearse Road and Clevaragh Road. The grounds of appeal argue that the proposed dwellinghouses to be constructed on site are visually dominant and out of character with the prevailing residential development in the area. It was also suggested that the size and scale of the proposed dwellinghouses will give rise to residential amenity problems including overlooking and overshadowing. The appeal also suggests that the proposed vehicular access arrangements could give rise to a significant traffic hazard.

## **2.0 Site Location and Description**

- 2.1. The appeal site is a corner site located to the immediate north of the junction between Pearse Road and the Clevaragh Road. The Pearse Road is a major radial route (the R780) leading southward from Sligo. It primarily accommodates residential development along its alignment with some commercial uses. The Pearse Road is a relatively wide road with a carriageway width of c.12 metres in the vicinity of the subject site. The junction between the Pearse Road and the Clevaragh Road is a relatively busy non-signalised junction with designated left and right turning lanes for traffic moving from Clevaragh Road onto the Pearse Road. A yellow box and small pedestrian island are also located at the junction. Double yellow lines run along the carriageway along the site frontage.
- 2.2. The site itself is irregularly shaped and occupies an area of 0.0734 hectares (734 square metres). It accommodates a two-storey residential dwelling which is currently vacant and dates, according to the information contained on file, from the early 20<sup>th</sup> Century, possibly the inter-war period. The dwellinghouse is located contiguous to the northern boundary of the site and there are a number of single storey sheds/garages located between the house and the northern boundary. The southern

portion of the site is occupied by a private garden associated with the dwelling. A c.1.8 metre high boundary wall runs along the roadside boundary. The Clevaragh Road boundary incorporates separate pedestrian and vehicular entrance to the site with the vehicular entrance located at the south-eastern corner of the site.

- 2.3. The lands immediately east of the site on Clevaragh Road accommodate a small ESB substation, which separates the site from adjoining dwellings. A row of single storey detached dwellinghouses are located further east, fronting directly onto Clevaragh Road. A pair of two-storey semi-detached houses are located adjacent to the northern boundary of the site facing onto Pearse Road. The rear gardens of a block of smaller two-storey terraced dwellings associated with Joe Mc Donnell Drive back onto the north-eastern boundary of the site.
- 2.4. On the opposite side of the Clevaragh Road -Pearse Road junction to the south of the site, a pair of two-storey apartment blocks is located. Residential development is located opposite the site facing onto the Pearse Road. These dwellings in the vicinity of the site are all two-storeys in height.

### **3.0 Proposed Development**

- 3.1. Planning permission is sought for the demolition of the existing two-storey residential dwelling on the subject site and it is proposed to build 2 no. three-storey dwellings incorporating identical layouts. The dwellinghouses are to accommodate living accommodation at ground floor level with two bedrooms at first floor level and an additional two bedrooms at second floor level. A balcony is proposed to the rear of the dwelling at 1<sup>st</sup> floor level.
- 3.2. The A-shaped gable fronted dwellings face onto the Pearse Road. The dwellings rise to a height of between 10 and 11 metres and incorporate extensive brick cladding on the external elevation. Separate vehicular entrances are proposed to serve each of the dwelling with a new vehicular entrance to be provided off Pearse Road to serve House No. 1. The existing vehicular entrance at the south-eastern corner of the site is to serve house No. 2. Each of the houses incorporate a gross floor area of 175 square metres. House No. 1 incorporates an area of 0.036 hectares while House No. 2 is slightly larger at 0.037 hectares. According to the drawings submitted approximately 130 square metres of private garden is provided to the rear and side

of House No. 1 while House No. 2 incorporates a private garden of approximately 114 square metres.

## **4.0 Planning Authority's Decision**

### **4.1. Decision**

Sligo Co Council grant planning permission for the proposed development.

### **4.2. Documentation submitted with the Planning Application**

Details of a pre-planning consultation with Sligo County Council are contained on file. Also submitted is a Certificate of Exemption under Part V of the Planning and Development Act.

- 4.2.1. A Conservation Assessment Report concludes that there is nothing of historic interest of note. While there is evidence that suggests that the original house was constructed between 1913 and the late 1930s there is little to recommend the retention of the existing house from an architectural conservation point of view. The existing building has been significantly altered with modifications, extensions and renovations over the years. It is considered that the existing house does not make a significant contribution to the area.
- 4.2.2. Also submitted with the application is a Construction and Demolition Waste Management Plan.

### **4.3. Planning Authority and Other Reports**

- 4.3.1. A submission from Irish Water states that a proposed connection to the Irish Water network can be facilitated.
- 4.3.2. A report from the Environmental Services Department states that there is no objection in principle to the proposed development subject to conditions.
- 4.3.3. A report from Sanitary Services states that based on the extremely limited information contained on file. it would appear that the proposed development is not in compliance with Irish Water policy. In accordance with Irish Water policy the developer shall provide a separate wastewater and stormwater drainage system for

any new developments on either greenfield or brownfield sites. As the development requires both water and foul connection, a request to Irish Water to issue a report in respect of this development has been made.

- 4.3.4. A separate letter from Irish Water requests further information as the drawings and specifications provided do not provide Irish Water with sufficient data to make a determination on the development.
- 4.3.5. A number of letters of objection were submitted from residents in the surrounding area. The contents of which have been read and noted.
- 4.3.6. The planner's report sets out details of the proposed development, the development plan provision and the nature of the issues raised in the various third-party objections. It notes that the proposed development is generally in compliance with density standards and zoning provisions contained in the development plan. In terms of traffic and transport, it notes that an additional vehicular access is proposed which will not result in any significant intensification of travel levels in the area. It is considered that any water services issues can be adequately dealt with by way of condition. In terms of heritage issues the conservation assessment submitted with the application is noted and the planning report generally concurs with the conclusions reached.
- 4.3.7. In visual amenity terms it is stated that the redevelopment of the subject site would be welcome as it is a prominent site along a busy route and junction. The private open space is considered to be acceptable.
- 4.3.8. In terms of residential amenity, it is stated that the development has generally been designed to protect the residential amenity of adjoining dwellings. It is noted at ground floor level (the Board will note that the balcony is proposed at first floor level to serve the master bedroom). It is considered that the timber railing surrounding the balcony will ensure that the privacy of adjoining properties can be maintained subject to clarification in relation to the timber screening to be provided. It is not considered that the proposed buildings will have any significant impact in terms of overshadowing or loss of light. On balance therefore it is considered that the proposed development is acceptable and it is therefore recommended that planning permission be granted.

- 4.3.9. Sligo County Council issued notification to grant planning permission subject to 14 conditions.

## **5.0 Planning History**

There appears to be no planning history associated with the appeal site.

## **6.0 Grounds of Appeal**

- 6.1. A third-party appeal was submitted on behalf of a number of residents in the area by McGinty Planning and Development Consultants.
- 6.2. The grounds of appeal outline the proposed development and the site location and description.
- 6.3. Reference is made to the Sligo and Environs Development Plan and various policy statements contained therein in relation to protecting residential amenity and ensuring that new development does not result in a traffic hazard and give rise to issues in respect of road safety. Particular reference is also made to policy statements contained in the Plan in relation to overshadowing, overlooking and loss of light to surrounding properties. Reference is also made to policy objectives in relation to infill development and the need to ensure that infill development is sympathetic to the character of the area.
- 6.4. It is argued that the proposed houses incorporate an inappropriate building height which results in a visually dominant redevelopment of the site. It is noted that House No. 1 would be approximately 2.1 metres over and above the ridgeline of the existing house to be demolished. This represents a height increase of almost one storey. The provision of three storey dwellinghouses at this location is wholly inappropriate and completely out of character with the surrounding established building heights. It is noted that there are no similar three storey residential units located anywhere in the vicinity of the appeal site. Any new building on the subject site should have regard to their setting and be capable of integrating into the streetscape/townscape context.
- 6.5. The appellants are extremely concerned that no streetscape drawings or photomontages were submitted or requested as part of the planning process. The

appeal site has not been identified as being suitable for accommodating increased building heights.

- 6.6. The Board are requested to note the decision made by it under Reg. Ref. PL 77 123138 where permission was refused for three storey apartment blocks on the corner site to the south of the appeal site. It is considered that the appeal site is also deemed to be visually prominent and should be refused for the same reasons as that issued by the Board.
- 6.7. The applicant intends to alter the orientation and layout of buildings by rotating the houses 90 degrees which will result in the proposed houses being gable fronted onto the adjoining public road. This will have a detrimental impact on the established building line. It is argued that the layout and orientation of the building does not respect the scale and rhythm of the existing streetscape and will result in a visually dominant development.
- 6.8. Concerns are expressed that the height of the proposed dwelling and the fact that they will be located closer to all site boundaries will result in an unacceptable level of overshadowing. The difference in elevational profile is clearly indicated in Figure 6 on Page 12 of the grounds of appeal. House No. 1 by virtue of its height, orientation and proximity to surrounding dwellings will result in a significant impediment to natural sunlight and daylight. The occurrence of overshadowing will be particularly prevalent during the spring and autumn months where the sun is lower in the sky. This would lead to creation of an undesirable micro-climate in adjoining private gardens.
- 6.9. Concerns that the first-floor rear balconies proposed on both dwellinghouses will give rise to an unacceptable level of overlooking. The balcony to the rear of House No. 1 will directly overlook the private rear gardens of the terrace of houses immediately east of the appeal site. It is stated that the removal of existing mature trees along the eastern elevation will exacerbate the problem of overlooking.
- 6.10. Concerns are expressed with regard to the access arrangements. The appellants have very real traffic concerns in relation to the provision of a new vehicular entrance onto the Pearse Road which would be located within 12 metres of a busy uncontrolled junction between Pearse Road and Clevaragh Road.



- 6.11. It is estimated that a sightline of just over 18 metres would be available northwards towards the direction of Sligo Town. The minimum sightline required in accordance with development plan standards is 70 metres. The Design Manual for Urban Roads and Streets requires a forward sight visibility of at least 45 metres in 50kph speed limit zones. Furthermore, the construction of a new vehicular entrance within 12 metres of an existing uncontrolled intersection is completely unacceptable.
- 6.12. It is also considered that the proposed development has resulted in the creation of substandard impractical private open space for both dwellings. Section 13.3.7 of the County Development Plan states that the minimal size of a rear garden shall be 75 square metres with a smaller area acceptable for houses with narrow frontages and one to two bedroomed houses which require no less than 60 square metres. The minimum garden depth shall be 11 metres. Clearly the current open space arrangements for House No. 1 does not comply with this.
- 6.13. The redevelopment of the site will destroy the existing solar gain/heat currently being enjoyed by adjoining properties to the north of the appeal site.
- 6.14. Finally, it is argued that the applicant has not provided any valid or substantive reasons for the demolition of the existing house. It is considered the house which has been unoccupied for 7 years has become somewhat tired in appearance but again this can be remedied without considerable expenditure. It is considered that the house contributes greatly to the visual identity and amenities of the area.

## **7.0 Appeal Responses**

### **7.1. Sligo County Council's Response to the Grounds of appeal**

- 7.1.1. It is stated that the applicant's have not submitted any additional information as part of the appeal that would alter the Planning Authority's decision on this application. It is considered that the proposed development would be suitable at this location and is consistent with the policies and provisions contained in the current County Development Plan. The Board are therefore requested to uphold the decision of the Planning Authority.

## **7.2. Applicant's Response to the Grounds of Appeal**

- 7.2.1. A response was received on behalf of the applicant by Darren Clancy Design and Planning Consultant. It is stated that the existing house has a gable fronting onto Pearse Road and efforts were concentrated on a narrow plan to achieve a less dominant primary roof form.
- 7.2.2. Also attached to the response is a structural report which forms the basis for demolishing the existing structure.
- 7.2.3. Pre-planning discussions also took place with the local Roads Engineer and it was considered that traffic movements likely to be generated by the proposed development will not interfere with the free flow and safety of traffic at this location. Parking in the cycle lane on Pearse Road is a rare occurrence.
- 7.2.4. It is argued that there are a variety of substantial buildings in the immediate vicinity and the subject site is located on a prominent position on the junction on Pearse Road and Clevaragh Road.
- 7.2.5. It is argued that the visual impact would be imperceptible and there will be no impact on residential amenities of adjoining properties. The proposed dwellings incorporate a modest increase in ridge height which will not result in significant change in terms of overshadowing.
- 7.2.6. The balcony at first floor level is screened by dark painted timber and steel railings which will protect the privacy of the appellants and the privacy of the applicant.
- 7.2.7. The development plan advocates an increase in building height for suitable key focal sites. The proposal is designed to ensure an efficient use of land and to create an attractive living environment for future occupants. The proposal does not result in an overdevelopment of the site and is acceptable in terms of massing and height. National Guidelines on Sustainable Residential Development in Urban Areas emphasises the need to increase densities and connectivity within residentially zoned lands. Furthermore, the National Planning Framework favours compact development than focuses on reusing previously developed brownfield land and building up infill sites. Furthermore, the 2020 Regional Strategy embraces the principle of compact growth. Between 2016 and 2026 Sligo City's population is

projected to grow by 4,400 people or 400 persons per year on average. The Regional Strategy envisages a 40% increase in Sligo's population by 2040. The proposal represents high quality sustainable residential development.

- 7.2.8. Also attached is a report by a consulting engineer which highlights the significant structural stability issues associated with retaining the existing structure on site.

## 8.0 Development Plan Provision

- 8.1. The site is governed by the policies and provisions contained in the Sligo County Development Plan 2017 – 2023. While this plan was adopted on 31<sup>st</sup> July, 2017 and is the relevant development plan pertaining to the site, Section 3.5.1. of the Plan states that the zoning objectives contained in the previous Sligo and Environs Development Plan 2010 – 2016 are incorporated as statutory provisions and shall remain until the new plan is adopted.

- 8.2. The zoning objectives pertaining to the site is "RE" '*existing residential areas*'. The zoning objective of which is to protect and enhance the existing residential amenity of the area. The plan notes that the redevelopment and regeneration of areas zoned 'RE' may be considered provided that the dominant use remains residential. Increases in density may be considered in the case of redevelopment (depending on the site context).

- 8.3. Section 5 of the development plan specifically relates to housing. Strategic housing policies include:

SP-HOU-1 – encourage a balanced supply of private housing in the county in a manner consistent with the core strategy and settlement strategy and which will support the creation of sustainable communities through the provision of an appropriate range of housing types and high-quality residential environments.

- 8.4. General housing policies include:

GP-HOU-1 – have regard to the principle of sequential development in assessing all new residential development proposals, whereby areas closer to settlement centres will be prioritised for development in advance of lands further from settlement centres. Notwithstanding this principle, each proposal will be considered on its merits having regard to the proper planning and sustainable development of the area.

GP-HOU-2 – require high quality and innovation in the layout and design of new residential development particularly with regard to:

- (a) Environmental sustainability and energy efficiency.
- (b) Site internal layouts may incorporate live/work units or home zones.

GP-HOU-4 – promote more compact forms of residential development, such as infill and backland development.

GP-HOU-7 – promote higher densities of residential development in appropriate locations and circumstances having regard to the principles outlined in the DoEHLG “Guidelines for Planning Authorities – Sustainable Residential Development in Urban Areas”.

GP-HOU-8 – 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.

- 8.5. Chapter 12 sets out development management standards. In terms of residential density, it is stated that in existing settlement centres, densities of 30 to 40+ units per hectare will be encouraged.
- 8.6. In terms of building/structure height it is stated that an increase in building height may be particularly suitable in certain circumstances for example on focal/landmark sites within the towns. In assessing all developments, the following factors will be considered in assessing building height.
- The degree of overshadowing and loss of light of surrounding properties.
  - The degree of overlooking and consequent loss of privacy for adjoining dwellings.
  - The scale and rhythm of the existing streetscape.
  - The quality of the overall design.
- 8.7. In terms of building lines, the Planning Authority will normally seek to ensure that development is not carried out in front of established building lines.
- 8.8. Houses should be designed in such a manner to minimise overlooking and overshadowing of adjoining properties and to avoid or reduce the loss of daylight. First floor bedroom windows should be a minimum of 22 metres apart.

- 8.9. In terms of private open space an adequate amount of private open space shall be provided within the curtilage of each dwelling. It is recommended that a minimum rear garden size of 60 to 75 square metres will be provided for three to four bedroomed houses with a lesser standard acceptable for narrow house frontage and one and two bedroomed houses which will require no less than 48 square metres.
- 8.10. Section 12.3.12 relates to infill housing within existing residential estates. Within and around established built up areas, a relaxation of some of the standards may be allowed for single replacement dwellings and infill development. The design of infill development must be sympathetic to the character of the area. While well designed and modern buildings may be permitted, they should have regard to their setting and be capable of integrating into the streetscape and townscape.
- 8.11. In terms of sight distances at entrances in the case of 50kph zones, the sight distance required will be a minimum of 70 metres as set out in Table 12B.

## **9.0 Natural Heritage Areas**

- 9.1. The site is not located within or adjacent to a designated Natura 2000 site. The nearest Natura 2000 site is the Lough Gill SAC (Site Code: 001976). At its closest point it is located c.1 kilometre to the north and east of the subject site.

## **10.0 EIAR Screening Assessment**

- 10.1. Having regard to the nature of the proposed development comprising of two dwellinghouses in an urban area it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can therefore be excluded by way of preliminary examination.

## **11.0 Planning Assessment**

I have read the entire contents of the file, visited the subject site and its surroundings and have particular regard to the issues raised in the third-party appeal. I consider the pertinent issues in determining the current application and appeal before the Board are as follows:

- Principle of Development
- Visual Impact
- Impact on Residential Amenity
- Overlooking
- Private Open Space Provision
- Sightlines for House No. 1
- Heritage Impacts

### **11.1. Principle of Development**

11.1.1. The proposal to construct two residential dwellings on the subject site which is zoned for residential use complies in principle with the zoning objective. Residential use is a permissible use under the zoning provisions contained in development plan. I would also refer the Board to the National Planning Framework which likewise seeks to direct new development, including residential development, within the footprint of existing urban areas in order to create a more compact urban form. The National Planning Framework states that the preferred approach in terms of accommodating new development would be compact development that focuses on reusing previously developed brownfield land and building up infill sites by either reusing or redevelopment of existing sites and buildings. The proposed development therefore is compatible both with the lands use zoning objective and more general national policies which seek to utilise brownfield infill sites subject to qualitative safeguards. Issues in respect of qualitative safeguards such as visual residential amenity etc. are dealt within more detail below.

### **11.2. Visual Impact**

11.2.1. A major concern expressed in the grounds of appeal is that the size, scale and design of the proposed development at such a prominent corner at Pearse Road and Clevaragh Road would adversely impact on the visual amenities of the area. I would fully agree that the appeal site is located in a prominent position at the corner of two relatively busy and wide thoroughfares. However, I am also of the opinion that the vacant and somewhat unsightly derelict building currently constitutes an eyesore and detracts from the visual amenities of the area. I also consider the general area in

which the site is located to be a typical suburban, predominantly residential area on the outskirts of Sligo which incorporates no uniformity in house style and a variety of architectural styles and designs mainly from the mid to late 20<sup>th</sup> century. The area in which the site is located does not attract any heritage or conservation status or objectives which would render the site unsuitable for a development three storeys in size. The fact that the surrounding area is of little or no conservation value allows more flexibility in the design approach in redeveloping the subject site.

11.2.2. As already stated, the subject site is located in a prominent location at the corner of two relatively busy roads. It was considered that the development of the subject site would represent a planning gain as it would remove a vacant, somewhat unsightly derelict structure and replace it with two newer contemporary style dwellings. The site's location situated adjacent to a relatively wide road (Pearse Road) makes it more suitable in my opinion to accommodate buildings of a larger scale than typical two-storey suburban dwellings. It is my considered opinion that dwellings c.10 metres in height cannot be considered to be excessive particularly in the context of more recent adopted policies which seek to ensure that infill development takes place at more sustainable and higher densities.

11.2.3. While the grounds of appeal refers to the Board's decision under Reg. Ref. PL77.123138, (where An Bord Pleanála refused planning permission on the basis of height and density) it should be borne in mind that this decision related to an application lodged with the Board over 20 years ago. It was therefore made under a different policy context than that associated with the current application before the Board. The historical decision referred to in the grounds of appeal therefore does not constitute an appropriate precedent on which to base the current decision.

### **11.3. Impact on Residential Amenity**

11.3.1. One of the major issues raised in the grounds of appeal in relation to potential impact on surrounding residential amenity relates to overshadowing. In relation to this matter, I would reiterate my opinion that a three-storey building c.10 metres in height cannot be considered excessively large in the context of an existing built-up urban area, notwithstanding the fact that the predominant height of surrounding dwellings is two-storeys in nature. More importantly the layout and orientation of the houses are such that the proposal will have very little impact on surrounding amenity in terms of

overshadowing. Both dwellings are located due south of the gable end of the contiguous dwelling to the north. There are no windows on the gable end of the south elevation which would be directly affected by the development. Furthermore, there is no significant difference in the size and scale of the house proposed (House No. 1) over and above that associated with the existing structure currently on site. The proposed development will have a negligible impact over and above that associated with the existing building on site.

- 11.3.2. With regard to the building to the east of the site, namely No. 33 Clevaragh Road and the rear gardens of dwellings at Joe McDonnell Drive to the north-east, I consider the impact arising from the additional dwelling on site would be marginal over and above that associated with that which currently exists on site. It is not considered that House No. 1 would result in any significant increased levels of overshadowing in the morning period on the houses and rear gardens to the east of the site over and above that associated with the existing structure on site. In relation to House No. 2 which at its closest point is located between 22 and 25 metres from the nearest dwellings to the east and north-east it is considered that this level of separation distance will result in the structure having little or no impact on the houses to the east of the site in terms of overshadowing. The fact that the proposed development is to remove some of the mature vegetation along the eastern boundary of the site may in fact reduce levels of overshadowing in the rear/side gardens of adjoining dwellings.
- 11.3.3. It is my considered opinion therefore that the proposal will give rise to little or no additional overshadowing over and above that associated with the existing site. Any additional overshadowing that may occur, however small, needs to be balanced against the need to redevelop and regenerate existing derelict/vacant brownfield sites at higher densities to ensure the more efficient use of land and services in accordance with national policy.
- 11.3.4. As there will be a negligible increase in overshadowing, the implications on potential impacts on solar gain will likewise be negligible.

#### 11.4. **Overlooking**

- 11.4.1. In relation to the issue of overlooking, it is considered that the proposed development to the north of the subject site will not be adversely impacted in terms of overlooking.



There are no windows along the northern elevation of House No. 1 which would increase the potential for overlooking of adjoining gardens to the north.

11.4.2. With regard to overlooking of the rear gardens of the houses to the north-east associated with Joe McDonnell Drive there is some scope for additional overlooking having regard to the modest depth of the garden proposed to serve House No. 1 (5.4 metres in depth). However, the gardens in question are currently overlooked by an existing bedroom at first floor level to the rear of the existing dwelling on site. It might be appropriate that the Board consider removing the first floor balcony to the rear of House No. 1 in order to reduce the potential for overlooking of the gardens to the north-east.

11.4.3. With regard to House No. 2, the windows serving this dwellinghouse are primarily located on the southern and western elevations overlooking Clevaragh Road and Pearse Road. There is one window/patio door located at first floor level facing eastwards. However, this window directly overlooks an area of open space containing an ESB substation between No. 33 Clevaragh Road and the subject site. The separation distance between the proposed rear elevation of House No. 2 and No.33 is over 35 metres and is therefore acceptable in my opinion. The rear elevation of House No. 2 and the rear of houses fronting onto Joe McDonnell Drive is also in the region of 25 metres and therefore is also acceptable. However, should the Board consider it expedient in terms of protecting privacy of adjoining gardens, it could consider omitting the proposed balcony at first floor level.

#### **11.5. Private Open Space Provision**

11.5.1. Concerns are expressed in the grounds of appeal that the proposal does not fully accord with the requirements of the development plan in providing the requisite level of private open space as per Section 13.3.7 of the Sligo County Development Plan. It requires a minimum rear garden size of 75 square metres with a smaller area accepted for houses with a narrow frontage which would require no less than 60 square metres.

11.5.2. Due to the configuration of the site and the need to provide off-site parking to the front of the dwelling, this will necessitate a smaller rear garden size. It is clear that House No. 1 would not achieve a rear garden size behind the building of 60 square metres and stipulated in the Plan. It is my considered opinion that this shortfall is

more than adequately compensated for with the provision of as southward facing side garden which would offer similar levels of privacy to that associated with the rear garden. The drawings submitted indicate that there is more than 130 square metres of private garden to the side and rear of House No. 1. This is ample private open space in my opinion.

11.5.3. Likewise, House No. 2 incorporates a minimum of 114 square metres of private open space to the rear and side. This excludes a generous area of off-street car parking. Both developments therefore in my opinion incorporate more than sufficient private open space to cater for the amenity needs of occupants of the dwellings. While the proposal may not strictly comply with the development plan requirements of incorporating requisite minimum amounts of open space to the rear of the dwellings, I would refer the Board to the National Planning Framework and the need to emphasise performance based design standards as opposed to rigidly apply prescriptive standards. The National Planning Framework notes that *“to enable brownfield development, planning policies and standards need to be flexible, focussing on design led and performance-based outcomes rather than specifying absolute requirements in all cases”*. The policy document goes on to state that *“planning standards should be flexibly applied in response to well-designed development proposals that can achieve urban infill and brownfield development objectives in settlements of all sizes”*.

#### 11.6. **Sightlines for House No. 1**

- 11.6.1. The grounds of appeal argue that inadequate sightlines are afforded to the proposed new vehicular entrance serving House No. 1. The Board will note that the existing vehicular entrance is to be utilised to serve House No. 2.
- 11.6.2. I have inspected the subject site and have attached photographs indicating that requisite sightlines are afforded in a northerly direction towards Sligo Town from the proposed entrance. The restricted sightlines referred to in the grounds of appeal appear to be predicated on potential restrictions which might arise from a lawfully parked vehicular on Pearse Road to the immediate north of the proposed entrance. It is my considered opinion having inspected the site that much greater sightlines would be afforded to the occupant of a vehicle exiting the subject site along Sligo Road even with the presence of parked vehicles along the roadway to the north.

There is in my view ample opportunity to view oncoming traffic in a northerly direction despite the presence of the on-street parking of cars along the Pearse Road. In fact, on-street vehicular parking is provided along both sides of the Pearse Road to the north of the subject site notwithstanding the fact that there are multiple entrances providing vehicular access to individual dwellinghouses along the alignment of the Pearse Road.

11.6.3. With regard to sightlines in a southerly direction I note that vehicles exiting onto the Pearse Road from the Clevaragh Road would enter onto the opposite side of the road and therefore would not pose a material concern to the operation and safety of the proposed new vehicular access.

11.6.4. I therefore do not consider that the proposed development constitutes traffic hazard on the basis of restricted sightlines as suggested in the grounds of appeal.

#### **11.7. Heritage Impacts**

11.7.1. Finally, the grounds of appeal suggest that the existing dwelling on site which probably dates from the inter-war period is of heritage value and should be retained for this reason. I note that the structure in question is not listed on the Record of Protected Structures in the development plan. I also note that the original application submitted to the Planning Authority was accompanied by a conservation assessment carried out on behalf of the applicant by Hamilton Young Architects which assessed the entirety of the building including the interior of the building. It concludes that the building in question was of little conservation or architectural heritage importance.

### **12.0 Appropriate Assessment**

Having regard to the nature of the proposed development which concerns the demolition of an existing dwelling and the construction of two dwellings in an urban area served by public infrastructure together with the proximity to the nearest European site which is located just less than 1 kilometre away, it is concluded that no appropriate assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### 13.0 Conclusion and Recommendation

Arising from my assessment above I consider the proposed development to be in accordance with the proper planning and sustainable development of the area and on this basis, I recommend that the decision of the planning authority be upheld in this instance and planning permission be granted for the proposed development.

### 14.0 Decision

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

### 15.0 Reasons and Considerations

Having regard to the residential zoning objective pertaining to the site and the design, scale and siting of the proposed dwellings it is considered that, subject to conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would provide adequate levels of open space and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### 16.0 Conditions

1. The development shall be 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. The balcony at first floor level to the rear of House No. 1 shall be omitted from the proposed development. Revised drawings indicating the above changes shall be submitted to the planning authority for written agreement prior to the commencement of development.

**Reason:** In the interest of protecting residential amenity.

3. The external finishes to the proposed dwellings, including colours, materials and textures shall be agreed with the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

4. Drainage arrangements including the attenuation of surface water shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of public health.

5. Prior to the commencement of development, the developer shall enter into a water and/or wastewater connection agreement with Irish Water.

**Reason:** In the interest of public health.

6. Details of the proposed vehicular access arrangements including vision splays and the proposed access shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of traffic safety.

7. Site development and building works shall be restricted to between the hours of 0800 hours to 1800 hours Mondays to Saturdays inclusive and not at all on Sundays or public holidays. Deviations 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.

8. Any damage to the public road or footpath during the course of construction of works shall be repaired at the developer's expense. Details of the nature and extent of repair shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of orderly development.

9. A scheme indicating boundary treatment shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

- (a) This boundary treatment scheme shall provide a screen along the eastern boundary of the site consisting predominantly of trees, shrubs and hedging of indigenous species capable of growing to a height of 3 metres. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.
- (b) Any plants which die or are removed or become seriously damaged or diseased within the period of 3 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development and in the interest of visual amenity.

10. The developer shall pay to the planning authority a financial contribution of €3,237 (three thousand two hundred and thirty-seven euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, 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. The application of any indexation required by this condition 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.

**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.

11. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

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Paul Caprani,  
Senior Planning Inspector.

March 15th 2021.