



An
Bord
Pleanála

Inspector's Report ABP-309892-21

Development	Demolish side extension and construct two-storey and single-storey front, rear and side extensions to house
Location	105 Ashlawn, Letterkenny, County Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	20/51756
Applicant(s)	WRE Premier Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	William and Sheila Anderson & Others
Observer(s)	None
Date of Site Inspection	4 th May 2021
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1.** The appeal site is stated to measure 630sq.m in area and is located on a cul de sac known as Ashlawn, within a residential estate in the Ballyraine area of Letterkenny. It is accessible from Ballyraine Road (R940 regional road) and is located approximately 1km to the east of the town centre.
- 1.2.** It contains a two-storey detached six-bedroom house with a stated gross floor area (GFA) of 142sq.m, including a single-storey projection on the northwest side. Adjacent to the east of the site is vacant ground that features a timber rail fence to the roadside, and adjacent to the west is a pair of semi-detached two-storey houses. To the front of the house on site there is a lawn area and space for vehicles to park off the street. The external finishes to the house on site include painted render to the walls, hardwood windows and doors, and a pitched roof with concrete profile roof tiles. The site features Leylandii trees along the side boundaries and the site is open onto the front street. The surrounding area is primarily characterised by low-density detached and semi-detached housing, while the Letterkenny Institute of Technology is located approximately 100m to the southwest of the site on the opposite side of the regional road. The site backs onto housing on lower ground along Ballyraine Road. Ground levels on site drop from the front to the rear of the site by approximately 4m.

2.0 Proposed Development

- 2.1.1.** The proposed development comprises the following:
- demolition of a single-storey side projection with a stated GFA of 20sq.m;
 - construction of a two-storey side, rear and front extension and a single-storey front extension measuring a stated GFA of 162sq.m and providing for 12 bedrooms;
 - provision of seven front off-street perpendicular car parking spaces, landscaping and associated development.
- 2.1.2.** Following a request for further information, the applicant amended the proposed development to provide for a total of ten bedrooms in the house and an additional two-storey rear extension.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant planning permission for the proposed development, subject to four conditions of a standard nature.

3.2. Planning Authority Reports

3.2.1. Planning Report

The initial report of the Planning Officer (January 2021) noted the following:

- the public notices do not mention that the subject proposals are for student accommodation, but the applicant's planning report does refer to the proposals being for student accommodation. Consequently, the applicant should be requested to clarify the number of rooms to be used as student accommodation;
- policy UB-P-7 of the Donegal County Development Plan 2018-2024 relating to development proposals for new residential developments (two or more units) is applicable and this refers to specific guidelines to be adhered to when considering proposals of this nature;
- the main bedroom should be 13sq.m, the main living area should be 21sq.m, the aggregate living area should be 52.5sq.m, a dining area for 12 persons should be provided and the storage area should be 11sq.m based on the likely occupancy levels and the standards within the Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes, Sustaining Communities'. Further information is required to address this;
- the potential removal of the mature boundaries is a material matter that needs to be addressed via further information;
- the provision of seven off-street car parking spaces is acceptable given the Development Plan parking standards and the ongoing issues with parking, as flagged by third parties;

- proposals would not result in negative impacts for neighbouring residents by virtue of overshadowing or overlooking;
- evidence of the area being used for rental accommodation and student housing is required.

The final report of the Planning Officer (March 2021) reflects the decision to grant permission issued by the Planning Authority and noted the following:

- the revised floor plans and proposals with respect to boundary trees are acceptable;
- planning legislation cannot control the occupancy of houses in urban areas;
- significant further information has not been submitted requiring new advertisements for the proposed development.

3.2.2. Other Technical Reports

- Executive Engineer - no response.

3.3. Prescribed Bodies

- Irish Water – no response.

3.4. Third-Party Observations

- 3.4.1. During consideration of the application, the Planning Authority received three observations from neighbouring residents of nos.98, 99 and 101 Ashlawn. The issues raised in these observations are similar to those raised in the grounds of appeal and they are collectively summarised under the heading 'grounds of appeal' below.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. I am not aware of any planning applications relating to the appeal site.

4.2. Surrounding Sites

4.2.1. Reflective of the suburban context for the appeal site, there have been numerous planning applications for domestic extensions and change of use proposals in recent years on neighbouring properties. The Planning Authority has referred to the following application on the adjoining site to the northwest:

- planning register reference 10/80079 – permission granted in January 2011 for a rear extension to the house at 106b Ashlawn.

5.0 Policy & Context

5.1. Donegal County Development Plan 2018-2024

5.1.1. Statutory planning policies and objectives for Letterkenny are contained within the Donegal County Development Plan 2018-2024. The appeal site has a landuse zoning objective referred to as 'established development', where it is a stated objective 'to conserve and enhance the quality and character of the area, to protect residential amenity and allow for development appropriate to the sustainable growth of the settlement, subject to all relevant material planning considerations'.

5.1.2. Relevant planning policies for the proposed development are set out under Section 6.2 (Urban Housing) and Appendix 3 (Development Guidelines and Technical Standards) within Parts A & B of the Development Plan. Policy UB-P-12 of the Plan seeks to 'protect the residential amenity of existing residential units and to promote design concepts for new housing that ensures the establishment of reasonable levels of residential amenity'. Also relevant to the subject appeal is Policy UB-P-27 of the Development Plan, which states the following:

- 'Proposals for an extension to a dwelling shall be considered subject to the following criteria:
 - (a) The development reflects and respects the scale and character of the dwelling to be extended and its wider settlement;
 - (b) Provision is made for an adequate and safe vehicular access and parking;and

(c) The proposal would not adversely affect the amenity of adjoining properties’.

5.1.3. Two car parking spaces per house are required based on Table 6 in Appendix 3 of the Development Plan. The Development Plan refers to various guidance documents, including the Design Manual for Urban Roads and Streets (2019).

5.2. Environmental Impact Assessment - Preliminary Examination

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

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. In conjunction with the third-party observations, the grounds of appeal submitted on behalf of residents from three neighbouring houses along the opposite side of Ashlawn, can be collectively summarised as follows:

- as the proposals are not being developed alongside a higher-education institute, they are akin to a co-living type development, which are no longer permitted in principle based on Ministerial guidance;
- the proposals refer to the intention to use the property for student accommodation and accurate details regarding the provision of student accommodation in the immediate area have not been provided as part of the planning application;
- proposals would be excessive and out of character with the surrounding area, as they would introduce a dense form of student housing in an established area. There are eight houses within Ashlawn cul de sac, including three student houses and five family homes;

- the application should have been invalidated as the proposals would provide for student accommodation and not the extension of a domestic dwelling;
- proposals would be contrary to policy UB-P-27 of the Development Plan, as the extended house would be out of character and scale with other houses along the street;
- negative impacts on neighbouring residential amenities, including via increased potential for noise, disturbance, crime and anti-social behaviour;
- increased potential for traffic and parking congestion, as well as restricted vehicular access, in an area already experiencing parking difficulties;
- road safety concerns regarding the proposed parking arrangement and the existing access arrangement via Ballyraine Road;
- absence of additional amenities to facilitate the additional associated residents;
- loss of mature boundary planting;
- concerns regarding waste management;
- proposals would lead to the devaluation of neighbouring property.

6.2. Planning Authority Response

6.2.1. The Planning Authority responded to the grounds of appeal to state that they consider the Planning Officer's report to address all matters raised, while also adding the following:

- the tenure of future occupants is not a material planning consideration in this case;
- given the planning context for Letterkenny, as outlined within the 'Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly 2020-2032' the proposed intensification of this brownfield site within easy access of various facilities and amenities is supported in principle;
- the character of housing in this area has changed through time and to meet various altering demands.

6.3. Observations

6.3.1. None received.

6.4. Further Submissions

6.4.1. None received within the statutory period.

7.0 Assessment

7.1. Introduction

7.1.1. I consider the substantive issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Proposed Use;
- Neighbouring Residential Amenities;
- Design;
- Parking Provision.

7.2. Proposed Use

7.2.1. From the outset I note the concerns expressed within the grounds of appeal relating to the potential impacts arising from an increased student population that could be accommodated within the extended property. Within various drawings and supporting documents accompanying the planning application, the applicant specifically refers to the proposed development as being intended to provide accommodation for students, including those attending the neighbouring Letterkenny Institute of Technology. However, within the statutory notices accompanying the planning application, the applicant has failed to refer to the proposed development being intended to serve as accommodation for students. The applicant has explicitly applied for planning permission to refurbish and extend a 'dwelling house', providing for a residential use, and not the provision of student accommodation, which is a commercial form of residential accommodation and subject to differing material considerations. It is also asserted in the grounds of appeal that the proposals should

be considered with respect to planning policy relating to 'co-living developments', which I also note to be a commercial form of residential accommodation that has not been explicitly applied for under the subject proposals.

- 7.2.2. Accordingly, it would be inappropriate and unreasonable to assess the proposals with respect to planning policy relating to student housing or co-living development, and in the event of a permission being granted for the proposed development, a planning condition would need to be attached to ensure that the existing dwelling and the proposed extensions are jointly occupied as a single residential unit in line with the nature of the permission sought.

7.3. Neighbouring Residential Amenities

- 7.3.1. The grounds of appeal assert that the proposed development would impact on the amenities of neighbouring residential property. As part of the applicant's further information response, the proposed development was revised to provide various extensions and refurbishment works to deliver a ten-bedroom house, as opposed to the initially proposed extensions and refurbishment works to provide for 12 bedrooms in the house. According to the applicant and the Planning Authority, the revised proposals are stated to be compliant with the standards contained within 'Quality Housing for Sustainable Communities, Best Practice Guidelines for Delivering Homes, Sustaining Communities,' (Department of Environment, Housing and Local Government, 2007).
- 7.3.2. Requirement (c) of policy UB-P-27 of the Donegal County Development Plan 2018-2024 states that domestic extensions should not adversely affect the amenity of adjoining properties. The proposed development would allow for the existing mature rear and side boundary trees, including the line of Leylandii trees along the northwestern boundary with no.106b Ashlawn, to be maintained. Side elevation windows serving habitable rooms are not proposed by the applicant as part of the refurbishment and extension of the subject house. Consequently, increased overlooking would not arise for the adjacent properties along Ashlawn, including no.106b Ashlawn to the northwest and the undeveloped plot to the southeast. Extensions to the front would feature windows serving habitable rooms at ground and first-floor levels, but these would be separated by a substantive distance of 26m from the neighbouring houses to the northeast, which are also situated across the

public roadway. The existing house features windows at ground and first-floor level approximately 7.5m from the boundary with housing to the rear along Ballyraine Road. The subject proposals would provide rear extensions with the closest ground and first-floor windows located approximately 6m from this rear boundary. The rear elevation of the nearest houses along Ballyraine Road, which all feature extensive rear garden and yard areas, would be over 40m from the proposed extensions. Consequently, a substantive increase in direct overlooking would not arise from the proposed development for the neighbouring properties, including those to the front (northeast) or rear (southwest).

- 7.3.3. While proposing to extend the footprint of the house to within 6.2m of the house at no.106b and positioned to the southeast on a ground level approximately 1m below that of the neighbouring house, the proposed extensions would not reasonably result in an excessive increased restriction of lighting to the internal areas of the house at no.106b or excessive overshadowing of the adjoining and neighbouring rear garden areas.
- 7.3.4. The grounds of appeal assert that the proposed development would lead to increased potential for noise, disturbance, crime and anti-social behaviour. As noted above the proposed development is for extensions and refurbishment of an existing house and as such substantive increases in noise and disturbance would not be likely to arise. Matters relating to criminality and anti-social behaviour are dealt with under differing legal codes and I am satisfied that there is no reason to suggest that the layout and design of the proposed development could reasonably be considered to support increased levels of crime or anti-social behaviour.
- 7.3.5. In conclusion, I am satisfied that the proposed development would not detrimentally impact on the residential amenities enjoyed by residents of neighbouring properties and permission should not be refused for this reason. The grounds of appeal assert that the proposed development would lead to the depreciation in the value of property in the vicinity. Arising from the assessment above, in particular with regard to the impact of the proposed development on neighbouring residential amenities, sufficiently substantive and objective evidence has not been provided to support claims that the proposed development would be likely to result in the depreciation of property values in the vicinity.

7.4. Design

- 7.4.1. Requirement (a) of policy UB-P-27 to the Development Plan states that house extensions should reflect and respect the scale and character of the host house and the wider settlement. The site and surrounding area does not have conservation status and the subject Ballyraine estate features semi-detached and detached houses of varying designs and scales. The proposed development would continue to use piped environmental services for water supply and the disposal of wastewater. The grounds of appeal refer to the design and scale of the proposed development as being out of character with housing within the estate, including other housing within Ashlawn.
- 7.4.2. The proposed works would feature various extensions to the two-storey house and would more than double the floorspace of the house from a stated 142sq.m to 307sq.m. While the ten bedrooms serving the house would not be typical for a contemporary urban house, it already provides six bedrooms which is greater than the standard three and four bedroom housing characterising the area, and the floor area would not be overly excessive particularly when considering the variety in scale of low density housing on large urban plots within the neighbouring Ballyraine area. I am satisfied that the proportions of the extensions are uncomplicated and would be respectful and reflective of the scale and design of the host house and housing in the neighbouring area. A complementary palette of contemporary materials, including zinc cladding, render and natural stone finishes are proposed for the additional building elements and I am satisfied that the extensions would not form incongruous additions to the house or the streetscape. Sufficient space (c.180sq.m) would also remain to the rear of the house to serve as private amenity space for future residents.
- 7.4.3. Internally the proposed accommodation would comprise two bedrooms alongside living areas at ground floor in the form of a living room, a dining room and a kitchen. The remainder of the bedrooms, all of which feature en-suite washrooms, would be located at first-floor level. All bedrooms and rooms are of reasonable size and width, and would feature sufficient space for storage and direct access to natural light. A recessed external waste management area, as well internal plant areas and utility

room, are also proposed. I am satisfied that the proposed house would feature a reasonable level of amenity for future residents.

- 7.4.4. Accordingly, while it is acknowledged that the house floor area and the number of bedrooms would be larger than houses typically found in this area, as outlined above, the site is of a sufficient size to accommodate the extended house successfully and the design of the proposed extensions would not be contrary to requirement (a) of policy UB-P-27 to the Development Plan. Accordingly, permission should not be refused for reasons relating to the visual impacts of the proposed development on the neighbouring area.

7.5. Parking Provision

- 7.5.1. The existing house is served by a vehicular entrance off Ashlawn, which features a footpath along the frontage of the appeal site and double-yellow lines on the opposite side of this cul de sac. Currently there is scope for two cars to park within the front curtilage of the site. The grounds of appeal assert that the proposed development would impact on road safety and would lead to the obstruction of access for neighbouring residents despite requirement (b) of policy UB-P-27 of the Development Plan requiring provision to be made for adequate and safe vehicular access and parking as part of residential extensions. A house in this area would require two car parking spaces based on standards contained in Table 6 to Appendix 3 of the Development Plan. The revised site layout plan (drawing no.05 dated FEB 2021) submitted with the applicant's further information response identified seven perpendicular off-street car parking spaces directly off the roadway to the front of the house. The Roads and Traffic Department of the Council did not comment on the proposed development.
- 7.5.2. The Design Manual for Urban Roads and Streets (2019) allows for perpendicular car parking spaces to be provided in lower speed environments such as the subject local street. While I recognise the concerns raised in the grounds of appeal referring to overspill parking along Ashlawn associated with Letterkenny Institute of Technology, there are double-yellow lines in place restricting parking on the north eastern side of this road. Extensive space for on-street car parking would be available along the remainder of the cul de sac and it would be in the interests of the visual amenities of the area to avoid the use of a bank of seven perpendicular parking spaces in place

of front garden space. I am satisfied that the parking arrangements should be in line with Development Plan standards and the number of off-street car parking should be reduced from seven to two spaces only and a condition should be attached to require details of same to be submitted to the planning authority in the event of a grant of permission for the proposed development. Furthermore, the resultant traffic associated with the extension of this house would not have a substantive increase in traffic volumes within the local road network. In conclusion, subject to a condition, appropriate car parking and access arrangements would be available to serve the extended house and permission for the proposed development should not be refused for this reason.

8.0 Appropriate Assessment

- 8.1. Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

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

10.0 Reasons and Considerations

1. Having regard to the nature, scale and design of the proposed development, and the existing pattern of development in the vicinity, it is considered that subject to compliance with the conditions below, the proposed development would respect and reflect the scale and character of the host house and housing in the immediate area, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would feature an appropriate provision of car parking to serve the development and would be in compliance with provisions of the Donegal

County Development Plan 2018-2024, including policy UB-P-27, which sets out the requirements for residential extensions. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The proposed development shall be carried out, in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 19th day of February, 2021, 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. Revised details shall be submitted with regard to the following:
 - (a) omission of five of the proposed perpendicular car parking spaces to the front of the site, in order to only provide for a total of two off-street car parking spaces on site and the landscaping of the area associated with the omitted car parking spaces.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity, traffic and pedestrian safety

3. The existing house and proposed extensions shall be jointly occupied as a single residential unit and the extensions shall not be sold, let or otherwise

transferred or conveyed, save as part of the house. Use of the property as a single housing unit shall not be altered unless authorised by a prior grant of planning permission.

Reason: To clarify the nature and extent of the permitted development to which this permission relates and to ensure that adequate car parking and services are provided to serve the development.

4. Water supply and drainage arrangements, including the attenuation and 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 and to ensure a satisfactory standard of development.

5. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

Colm McLoughlin
Senior Planning Inspector

30th September 2021