



An
Bord
Pleanála

Inspector's Report

ABP-309983-21

Development	Construction of dwelling.
Location	Shrewsbury, Kilconny, Belturbet, Co. Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	2124
Applicant(s)	Paddy McKenna
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Paddy McKenna
Date of Site Inspection	29 th May 2021
Inspector	Colin McBride

1.0 Site Location and Description

- 1.1. The appeal site is located to within an existing housing development, Shrewsbury Park, which is located on the western outskirts of Belturbet, Co. Cavan and a short distance east of the N3. Shrewsbury Park is made up of mix of two-storey semi-detached and terraced dwellings arranged around a green space. The appeal site is occupied by no. 16, which is an end of terrace dwelling with a side and rear garden. To north and west of the site is an embankment due to the change in levels with a retaining wall to the side and rear of the existing dwelling on site and the adjoining dwellings to the south. To the south of the site is no. 15.

2.0 Proposed Development

- 2.1. Permission is sought to erect a fully service, two-storey semi-detached dwelling, entrance, connection to existing services and all associated site works. The proposal is a subdivision of the site associated with an existing end of terrace dwelling. The proposed dwelling has a floor area of 93.5sqm and a ridge height of 6.771m. The new dwelling is to have separate vehicular entrance off the service and a rear garden with a separate vehicular access and rear garden retained with the existing dwelling. It is proposed to excavate into the embankment to the side with a new retaining wall further north on site and closer to the public road to facilitate the development.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused based on one reason...

1. Having regard to the limited size and shape of the site, to the design and scale of the proposed development, to the inadequacy of public and private open space, the minimum sizes and poor general amenity of the dwelling, it is considered that the proposed development would result in overdevelopment of the site and would seriously injure the residential amenity of future occupants. The proposed

development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (18/03/21): The site was considered too restrictive to facilitate an additional dwelling with concerns regarding the level of public and private open space and overdevelopment of the site. Refusal was recommended based on the reason outlined above.

3.2.2. Other Technical Reports

Irish water (13/02/21): Further information required including a pre-connection enquiry required to establish feasibility of connection.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

3.4.1 Submission by Shane Reynolds, 8 Shrewsbury Park, Belturbet, Co. Cavan.

- Overdevelopment of the site, inadequate public and private open space, injurious to residential amenity of future occupants, noise and disturbance to existing residents.

4.0 Planning History

4.1 07/1004: Permission refused for a two-storey semi-detached dwelling, entrance and associated site works.

5.0 Policy Context

5.1. Development Plan

The relevant development plan is Cavan County Development Plan 2014-2020. The appeal site is zoned Existing Residential with a stated objective 'to promote the development of balanced communities and ensure that any new development in existing residential areas would have a minimal impact on existing residential amenity. New housing and infill developments should be in keeping with the character of the area and existing buildings and shall not impact on the amenities of current or future residents. The design of new dwellings shall be of high quality with good layout design and adequate private and, where appropriate, public open space an appropriate mix of house sizes, types and tenures'.

Chapter 10 Development Management Standards

Private Open Space

All dwellings shall have an area of private open space behind the building line. This open space shall be provided in accordance with the 'Urban Design Manual', 2009. Private open space should be useable by all residents. Long narrow rear gardens, difficult gradients or awkward shapes are not acceptable. Details of boundary treatment should be indicated on planning applications.

5.2. Natural Heritage Designations

5.2.1 None in the vicinity.

5.3. EIA Screening

5.3.1 Having regard to nature and scale of the development, which is provision of single dwelling and all associated site works, 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 A first party appeal has been lodged by Paddy McKenna,

- The appellant has submitted a revised proposal amending open space proposed and omission of an ensuite bathroom to provide the required level of storage.
- There is presumption in favour of urban infill developments under the National Planning Framework and regional Spatial Economic Strategy. The site can facilitate an infill development such as this. The proposal is consistent with Development Plan policy in terms of land-use and the core strategy identifying Belturbet as a tier three settlement. It is consistent with national guidelines including Sustainable Residential Development in Urban Areas (2009).
- The proposal can connect to existing services and use the existing service road.
- The design and scale has adequate regard to the character, scale and pattern of development of existing dwelling, adequate regard to the residential amenities of adjoining properties.
- The dimensions and layout of the revised proposal submitted with the appeal meet the requirements of the Quality Housing for Sustainable Communities guidelines. There is no loss of public open space with a sufficient level provided within the estate. The level of provision of private open space (43sqm) is consistent with the County Development Plan requirements and those under the Urban Design Manual.

6.2. Planning Authority Response

6.2.1 Response by Cavan County Council.

- Permission was for an additional dwelling under 07/1004 due to proximity to the public road and possible undermining of the foundation of the public road due to excavation close to the road edge.

- This is a relevant consideration in this case with the construction of a new retaining wall 6.5m from the road edge and a potential impact on the stability of the road.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development

Design, scale, pattern of development, adjoining amenities

Public Road/stability:

7.2. Principle of the proposed development:

7.2.1 The proposal is for a dwelling in the side of garden of an existing dwelling within an established housing development. The appeal site and surrounding lands is zoned 'Existing Residential' with a stated objective 'to promote the development of balanced communities and ensure that any new development in existing residential areas would have a minimal impact on existing residential amenity. New housing and infill developments should be in keeping with the character of the area and existing buildings and shall not impact on the amenities of current or future residents. The design of new dwellings shall be of high quality with good layout design and adequate private and, where appropriate, public open space an appropriate mix of house sizes, types and tenures'.

7.2.2 A new dwelling would be consistent with land use zoning however such would be subject to the proposal having an acceptable impact on the amenities of adjoining properties, being appropriate in design and scale, and generally being in accordance with the proper planning and sustainable development of the area. I would note that the provision of a dwelling on zoned serviced lands and making an efficient use of the existing space would be consistent with the proper planning and sustainable development of the area. I would consider that principle of the proposed

development is acceptable subject to a satisfactory physical and visual impact at this location with such elements being assessed in the following section of this report.

7.3 Design, scale, pattern of development, adjoining amenities:

7.3.1 The proposal provides for a house in the side garden of no. 16. The proposal was refused on the basis of the limited size and shape of the site, the design and scale of the proposed development, the inadequacy of public and private open space, the minimum sizes and poor general amenity of the dwelling. The proposal provides for subdivision of the curtilage of no. 16. The proposed dwelling has been designed to match the architectural character, scale in terms of height (marginally higher ridge height due to step up in levels), building line and roof profile of the existing dwellings at this location. I would note that the design, scale and footprint of the proposed dwelling has more than adequate regard to the pattern and scale of development on adjoining sites and makes use of a larger corner site. The proposed dwelling when viewed from the surrounding area would not look out of character or be visually obtrusive at this location.

7.3.2 In relation to development standards such are contained under Chapter 11 of the County Development Plan. In subdividing the curtilage of no. 16, the new dwelling is provided with a rear garden 43sqm in area (revised proposal submitted with the appeal) with 36sqm retained (excluding the embankment) to serve the existing dwelling. The Development Plan does not specify a minimum standard for private open space and policy refers to the Urban Design Manual (2009), which itself does not place a minimum value on private open space. I would consider that the level of private amenity space proposed is sufficient for a two bedroom dwelling and the level of private open space retained with the existing dwelling is comparable to the existing private open space standards available in the existing housing development. In this regard I would note that the proposed dwelling and existing dwelling the site is taken from have sufficient amenity space and such is similar to the quantum and

layout of private open space for existing dwellings within the overall scheme. The proposal would note reduce level of public open space with a large central green area serving the overall development.

7.3.3 The applicant has modified the internal layout by omitting an ensuite bathroom and the proposed dwelling conforms to the standards recommended under the Quality Housing for Sustainable Communities (2007) guidelines.

7.3.4 The proposal provides for a separate vehicular entrance and off-street car parking for the proposed dwelling and the existing dwelling that the site is taken from. I would note that in facilitating the proposed development and vehicular access there is requirement for modification on land outside of the site boundary indicated. I am satisfied that the proposed development provides for a sufficient level independence from the existing dwelling the site is taken from and the dwelling is provided with sufficient private amenity space and off –street car parking while at the same retaining such standards for the existing dwelling.

7.3.5 The proposal provides for a sufficient and reasonable standard of development, has adequate regard to the amenities of adjoining properties, the visual amenities of the area and would be in accordance with Development Plan and National Policy. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.4 Public Road/stability:

7.4.1 The PA response brings up concerns regarding the construction of a new retaining wall 6.5m from the road edge and a potential impact on the stability of the road and the fact this was issue under the previous refusal on site under 07/1004. This was not a reason for refusal for the current case or an issue raised in the planning report. I would be of the view that the works proposed should be feasible subject to appropriate construction management and engineering solutions and do not consider the proximity to the road to be reason for refusal. I am of the view that a suitable

condition requiring provision of construction management plan to be agreed prior to the commencement of development and with such containing specifications and construction methodology for the retaining wall to be an appropriate way of dealing with this issue.

8.0 Appropriate Assessment

8.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest 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.

9.0 Recommendation

9.1. I recommend a grant of permission subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the provisions of the Cavan County Development Plan 2014-2020 and the zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the amended plans submitted to the Board on the 19th day of April 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. 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.

3. The external wall and roof finishes shall match that of the existing dwellings within Shrewsbury Park.

Reason: In the interest of visual amenity.

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.

5. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to commencement of development.

Reason: In the interest of public health.

6. The footpath shall be modified and dished at the entrance in accordance with the requirements of the planning authority. Details of the location and materials to be used in such dishing, replanting of roadside tree(s) and repositioning of street lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of safety and visual amenity.

7. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste. The plan shall also include details regarding the specification and construction methodology for the proposed retaining wall and measures to ensure protection of the integrity of the embankment and adjoining public road.

Reason: In the interests of public safety and residential amenity.

9. The developer shall pay to the planning authority a financial contribution 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 the 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.

Colin McBride
Planning Inspector

31st May 2021