



An
Bord
Pleanála

Inspector's Report ABP-310071-21.

Development	Domestic garage to the rear of a property.
Location	The Cottage, The Promenade, Rosses Point, Sligo.
Planning Authority	Sligo County Council.
Planning Authority Reg. Ref.	21/34.
Applicant	Jennifer Flannery.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant	Jennifer Flannery.
Observer(s)	None.
Date of Site Inspection	22 nd June 2021.
Inspector	Philip Davis.

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1.0 Introduction

This appeal is by the applicant against the decision of the planning authority to refuse planning permission for a double bay garage for one reason – it is stated that it is considered that it would detract from the surrounding area.

2.0 Site Location and Description

2.1. Rosses Point

Rosses Point is a seaside holiday village of just under 1000 permanent residents on the northern side of Sligo Bay, next to Coney Island. It is just over 7 km by road from Sligo Town to the east. The R291 runs along the coast and is known as The Promenade within the village, terminating at a beach facing the Atlantic. The village largely developed in the late 19th Century and later along the coastline and the promenade facing south over the bay, with most buildings directly on a service road parallel to the R291, with a landscaped strip between the two roads. A footpath follows the coast side of the main road. The village is mostly linear in form, running for around 1.5 km parallel to the beach and is characterised by a mix of 2 and 3 storey terraces and detached houses, with a number of pubs and restaurants, with residential areas on the rising land to the north of the promenade.

2.2. Appeal site

The appeal site is a rectangular shaped site along the main street of Rosses Point, on the west side of Harrys Bar, one of several pubs/restaurants along the promenade, with a 2 storey dwelling on the opposite side. It is occupied by a single storey cottage to the front with a larger 3 storey more modern structure to the rear. A narrow, gated lane (part of the appeal site) runs between the cottage and Harry's Bar. The site area is given as 0.45 hectares with the gross floorspace of the existing buildings on the site given as 350 m². The site rises significantly in level from south to north. There are open lands to the rear that are apparently in the ownership of the applicant, these lands are largely enclosed by large detached dwellings, mostly taking advantage of rising levels that afford views over Sligo bay.

3.0 Proposed Development

The proposed development consists of a double bay garage to the rear of the site. The floorspace is given as 53 m².

4.0 Planning Authority Decision

4.1. Decision

The planning authority decided to refuse permission, for the reason (in summary) that it is considered to be contrary to Section 13.2.2 of the 2017 Sligo CDP (protection of townscapes) in that having regard to its height and scale and its location it is considered that it would detract from the character of the site and surrounding area.

4.2. Planning Authority Reports

4.2.1. Planning Reports

- Notes the planning history of the site.
- EIA and AA screening (no impacts).
- States that the metal cladding is out of character with the area.
- Notes elevated nature of the site, stating that it will be visible from the promenade to the south.
- Concludes that having regard to these factors it would be an unattractive addition to the wider landscape and also notes its visibility from neighbouring position and is too close to neighbouring properties.

4.2.2. Other Technical Reports

Area Engineer: No objection subject to conditions.

4.3. Prescribed Bodies

None on file.

4.4. **Third Party Observations**

One observation from a neighbour – outlines concern on previous breaches of planning permission and objects on the basis of a loss of light and privacy.

5.0 **Planning History**

The planning report outlines a number of previous applications, most recently **18/349** (retention of amendments to previous permission reference **PL16/421**). In appeal **PL21.247908** the Board overturned the decision to refuse.

PL16/225 – Permission refused for an extension on the site for three reasons, which referred to the impact on the character of the house and the streetscape, overlooking and overshadowing of neighbouring properties, and a hazardous access from the public road.

06/524 – permission refused for the demolition of the cottage and the erection of 10 houses and 6 apartments on a site that includes the current appeal site.

Other applications/appeals in the area:

05/1191 – the planning authority granted permission for a 2-storey extension to a single storey house around 500m to the west of the current appeal site.

PL21.236248 (09/578) – the board granted permission on appeal for a garage and vehicular access to the rear of the house.

06/178 – the planning authority granted permission for a 2-storey extension to the rear of a single storey house ‘

6.0 **Policy Context**

6.1. **Development Plan**

The site is within the Rosses Point Mini-Plan (part of the Sligo County Development Plan 2017-2023 (SCDP) and is designated for ‘mixed uses’. There are no specific policies for such garages. Section 13.2.2 sets out factors to be considered in assessing the impact of a proposed structure. This states as follows:

13.2.2 Impact of development on its surroundings

The following factors will be considered in assessing the impact of a proposed structure on the receiving environment:

- a. degree of overshadowing and loss of light to surrounding properties;**
- b. degree of overlooking and consequent loss of privacy for adjoining properties;**
- c. the extent to which the building impacts on structures or spaces of architectural or historic importance;**
- d. the extent to which the building impacts on important landmarks;**
- e. the extent to which the building impacts on attractive public views from significant vantage points;**
- f. the degree of impact of the building on the skyline;**
- g. the degree to which the building may contribute to the overall townscape; particular care will be required in the treatment of rooftops and all machine/mechanical rooms will need to be adequately screened or designed as an integral part of the building;**
- h. the quality of the overall design;**
- i. the scale of the building in relation to surrounding urban space, together with the effect of the building on the quality of the space;**
- j. the effect of the building on the microclimate in the immediate vicinity;**
- k. the area of the site, and whether it is large enough to provide a visual transition (by way of open space, or a base of lower buildings) from the scale of surrounding development.**
- l. an increase in building height may be particularly suitable for certain strategic sites.**

6.2. Natural Heritage Designations

The mudflats of Carney Marshes and Sligo Harbour on the shoreline opposite the appeal site are designated SPA – the **Cummeen Sand SAC** site code 004035 and SAC – the **Cummeen Strand/Drumcliff Bay SAC** site code 000627.

6.3. EIAR

Having regard to the nature of the proposed development and the absence of any sensitive receptors in the immediate vicinity, the development would not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded and a screening determination is not required.

7.0 The Appeal

7.1. Grounds of Appeal

- It is argued that the garage is behind the dwelling and there are no clear views from the promenade due to the height of existing buildings on the site, existing vegetation, and the distance (75 metres).
- It is argued that the neighbouring property only overlooks from a utility window and a frosted half door, and the boundary wall conceals most of the visible elements of the proposed development. It is therefore submitted that there would be no amenity impacts on the neighbour.
- It is stated that the garage is needed for the maintenance of the 1.5 acre (0.6 hectare) landholding, and for the storage of a boat and car.
- It is noted that the base of the garage is 1 metre below the neighbouring property.
- It is stated that the cladding will be green to blend in with the landscape – a condition would be accepted for a rendered and painted finish, and for additional planting.
- It is submitted that the overall design of the site was always intended for service buildings to the rear with residential areas to the front.

- Photographs and visualisations are attached in support of these arguments.

7.2. **Planning Authority Response**

The planning authority refers the Board to the planner's report. Additionally, it is stated that the examples quoted in the applicant's submission are not considered to be precedents for other such large garage proposals. The Board is requested to uphold the decision to refuse.

7.3. **Observations**

None on file

8.0 **Assessment**

Having inspected the site and reviewed the file documents, I consider that the appeal can be addressed under the following general headings:

- Principle of development
- Pattern of development
- Design and amenity
- Other issues
- Appropriate Assessment.

8.1. **Principle of development**

The appeal site is in an established residential area in the village zoned for 'mixed uses'. There are no specific designations or other policies applying to this type of development, although appropriate rear garages would generally be considered favourably in such areas. The planning history of the site and adjoining areas does not indicate a clear pattern of decisions, although generally the planning authority has sought to maintain the visual qualities of this area by ensuring good and appropriate design – a number of rear garages and storage sheds have been

granted permission over the years, in particular behind the houses/commercial buildings facing the promenade.

The proposed development should therefore be assessed on its own merits having regard to general guidelines and structures on such domestic structures set out in section 13.2.2 of the Sligo County Development Plan 2017-2023.

8.2. Pattern of development

The proposed development is to the rear of the line of residential/commercial buildings facing the promenade, on a distinctly elevated site. It is next to one of a series of detached dwellings on a road running at a right angle to the promenade. Development in the area is characterised by the 19th and early 20th Century terraces along the promenade with more modern detached dwellings to the rear.

The partly constructed pad for the garage is visible. The site extends back to a small field almost entirely enclosed by development – this field is in the ownership of the applicant, and the applicant states that it is needed for the maintenance of these lands. Levels rise significantly to the rear of the site so may be visible intermittently from public areas and from a number of dwellings.

The principle of a shed/garage to the rear of an established development is reasonable considering the nature of the area and the site. The key issue raised in this appeal is whether the location so close to an adjoining dwelling is acceptable, and whether the design/scale/finish of the shed is appropriate.

8.3. Design and amenity

The proposed shed is metal clad and as such would be somewhat out of character with the area, where generally even the visible ancillary structures are either hidden behind other structures or well designed/landscaped. It is located at more or less the highest point of the site and within approximately 10 metres of the dwelling to the west. It would be only very occasionally visible from the promenade, but more clearly visible from the small service road to the east. It would be visible from the pavement next to Harry's Bar through the narrow access between the bar and appeal site.

While a small domestic shed would not generally be out of keeping with the area, the proposed structure is quite substantial in scale with a floorspace given as 53 sqm and an eaves height of 2.7 metres and apex of 4 metres. It is approximately one metre below the level of the nearest dwelling. As such, the height would seem to be sufficient to block some early morning direct sunlight.

While in principle on a site of this size a shed of this scale could be accommodated, I consider the location to be poorly chosen and too close to the adjoining dwelling and in too visible a location for a metal clad structure. I therefore concur with the conclusion of the planning authority that the proposed development is contrary to the policy objectives set out in section 13.2.2 of the development plan and would detract from the character of the area.

8.4. **Other issues**

The access to the rear of the site is somewhat narrow with poor visibility, but it is an existing one, so I do not consider that there are any issues with traffic safety. There are no recorded ancient monuments or protected structures in the vicinity.

In other respects, I do not consider that there are any other planning issues raised in this appeal.

8.5. **Appropriate Assessment.**

The appeal site is on a small peninsula on the northside of a bay which is designated both SPA and SAC – the **Cummeen Sand SPA site code 004035** and SAC – the **Cummeen Strand/Drumcliff Bay SAC site code 000627**. These are designated for a range of shoreline, dune, mudflat and littoral habitats and associated birds and other species, and the conservation objectives are generally to maintain the favourable conservation condition of these habitats and species. The SPA is designated specifically for brent geese, oystercatchers and redshanks. The appeal site is within 100 metres of the shoreline and designated area.

Notwithstanding this, the works are minor in scale and within an existing development area and is served by a water and sewerage system and as such there would be no direct disturbance of habitat, no pathways for pollution and no potential for indirect or cumulative impacts.

I therefore consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004035 or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Recommendation

I recommend that the Board uphold the decision of the planning authority to refuse permission for the proposed shed, for generally similar reasons and considerations, as set out below.

10.0 Reasons and Considerations

It is considered that the proposed development, by way of its overall height and scale, and in particular its location close to a residential structure and on raised ground would not be in accordance with the standards set out in Section 13.2.2 of the Sligo County Development Plan 2017-2023 and would be out of character with the area and would thus be seriously injurious to the amenities of the area and contrary to the proper planning and sustainable development of the area.

Philip Davis
Planning Inspector

30th June 2021