



An  
Bord  
Pleanála

## Inspector's Report

### ABP-311092-21

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<b>Development</b>	Construction of 6 No. 2 bed semi-detached bungalows with a revised house type and layout to that previously granted under P. 00/00035 and P. 04/1761.
<b>Location</b>	Gubacreeny Townland, Kinlough , Co Leitrim
<b>Planning Authority</b>	Leitrim County Council
<b>Planning Authority Reg. Ref.</b>	2147
<b>Applicant(s)</b>	EBV Construction Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Anthony and Frances O'Reilly.
<b>Observer(s)</b>	N/A.
<b>Date of Site Inspection</b>	25 <sup>th</sup> of July 2022.

**Inspector**

Stephanie Farrington

## **1.0 Site Location and Description**

1.1. The appeal site, which has a stated area of 0.249ha, is located c. 500m north of the commercial core of Kinlough within an established residential estate of Oakfield Manor. The site comprises a vacant plot within a row of existing semi-detached properties and is currently overgrown. The site is adjoined by existing residential development to the north, west and east. Access to the site is provided via the existing unfinished road to the south.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises construction of 6 no. 2 bed semi-detached bungalows with a revised house type and layout to that permitted under PA Ref. 00/00035 and 04/1761.
- 2.2. The proposed dwellings, as amended in response to Leitrim County Council's request for further information, comprise a gross floor area of 68.7 sq.m. and accommodate 2 no. bedrooms.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Leitrim County Council issued a notification of decision to grant permission for the proposed development subject to 15 no. conditions. The following conditions are of note:

- Condition 3: Special Development Contribution to contribute to the cost of completing the road and associated services fronting the site and which directly benefits the development.
- Condition 9: The site shall be landscaped and open space maintained in accordance with the landscaping details and landscaping management plan submitted.

- Condition 12: A Construction Management Plan shall be submitted for written agreement of the Planning Authority prior to the commencement of development.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

#### Initial Planner's Report (04/06/2021)

The initial planner's report recommends a request for further information. The following provides a summary of the key points raised.

- The proposed development is acceptable in principle and in accordance with the "primarily residential" zoning objective pertaining to the site.
- Concerns are raised in relation to the layout of the proposed development and its compatibility with existing development and the guidance set out within the Leitrim County Development Plan in relation to infill development. It is stated that the proposed layout does not respect the established rhythm/pattern of development in terms of plot width and lateral boundary lines. A revised Site Layout Plan is recommended.
- The report outlines that impact on residential amenity does not arise in terms of overlooking, overshadowing or loss of light on adjoining residential developments. The party boundary ensures that sufficient privacy remains.

A request for further information is recommended in relation to the following:

- Revised Site Layout Plan demonstrating compliance with the requirements of Section 5.3 and Section 5.1.1 of the Leitrim County Development Plan 2015-2021 which relate to infill development and Development Management Standards.
- Revised Design Statement.
- Submission of a Justification Test demonstrating demand for residential development in accordance with the requirements of Section 4.2.2.9 of the Leitrim County Development Plan 2015-2021

- Submission of a cross section illustrating distance, FFL and ridge height of development and adjoining development to the east.
- Landscaping Plan for the development.
- Preliminary Construction Management Plan.
- Appropriate Assessment Screening.
- Response to third party submission.

#### Planner's Report (15/07/2021)

The planner's report dated the 15/07/2021 provides a summary and assessment of the applicant's response to the request for further information. The following provides a summary of the main issues raised:

- The revised site layout plan addresses the concerns of the Planning Authority. The proposal would not detrimentally affect the existing form and character of the residential area and respect the established pattern/rhythm of development.
- The submitted Design Report and Property Development Surveyors Report presents a rationale for the layout/format and market demand for the proposal.
- The cross section from the site to the adjoining residential property to the east illustrates that sufficient separation distance exists between the existing property and proposed dwellings and no issues of overlooking or impact on residential amenity arise.
- The landscaping proposals are deemed acceptable.
- The Planning Authority is satisfied with the proposals set out within the Preliminary Construction Management Plan. A condition is recommended seeking a fully detailed Construction Management Plan.
- The contents of the AA Screening Report are noted. Having regard to the distance from the subject site to the nearest European site it is stated that the proposed development will not have an adverse impact on the qualifying interest of any European site. It is not considered necessary as a result to require the undertaking of a Stage II Appropriate Assessment.

- A summary of the applicant's response to the 3<sup>rd</sup> party submission on the application is provided. The planner's report outlines that no impact on residential amenity is envisaged as a result of the proposed development.

The planner's report recommends a grant of permission subject to 15 no. conditions.

### 3.2.2. Other Technical Reports

#### Water Services (28/06/2021)

- No further comment.

#### Water Services (12/07/2021)

- No further comment.

#### Enforcement Officer - Taking in Charge Section (30/06/21)

- Recommendation as per report dated the 09/04/21.

#### Water Services Department (16/04/2021)

- Recommends consultation with Irish Water in order to determine the feasibility of connection to the public water infrastructure.

#### Enforcement Officer – Taking in Charge Section (09/04/2021)

- No objection to the development subject to conditions.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

- 3.4.1. 1 no. observation was submitted within the initial consultation period from Anthony and Frances O' Reilly the occupant of an adjoining property to the east of the site. The key points raised reflect those identified within the grounds of appeal and are briefly summarised as follows:

- Concerns are raised in relation to impact of the proposal on residential amenity of the observer's property on grounds of overlooking, overshadowing, impact on light, devaluation of property and construction phase impacts.

- The proposal is out of character with existing and previously permitted development. No objection is raised in relation to the principle of residential development. It is considered that the proposal represents an overdevelopment of the site.
- Insufficient sewerage capacity.
- Impact of the proposed removal on the boundary hedge on biodiversity.
- The submission raises concerns in relation to the structural integrity of the shared eastern boundary having regard to the level distance between their property and the appeal site. The observation relates to potential for subsidence and damage to their property.

3.4.2. A further observation was submitted by Anthony and Frances O' Reilly during the FI consultation period. This outlines that the concerns raised have not been addressed by the applicant. The revised layout is inconsistent with the existing pattern of development within the area.

## 4.0 Planning History

PA Ref: 00-00039: Planning permission granted in November 2000 for construction of 47 no. dwellings (in lieu of 50 proposed), pumping station, access road and site services at Gubacreeny, Kinlough, Co. Leitrim.

PA Ref: 04-1761: Permission granted in July 2005 to revise and extend site boundaries for Phase 2 of housing development 00/00039.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. The site is located within the administrative boundary of Leitrim County Council. The Leitrim County Development Plan 2015-2021 (as varied and extended) is the operative plan for the area.

5.1.2. The site is zoned for "Primarily Residential" purposes within the Leitrim County Development Plan. Dwelling is listed as a use which is "acceptable in principle" on

lands zoned for primarily residential purposes. The Development Plan outlines the following guidance in respect of this zoning objective:

*“Residential development will be encouraged in town centres and lands zoned ‘Primarily Residential’. The Council seeks to encourage high-quality residential schemes with convenient and safe access to local services and a safe and pleasant local environment. The Council will strive towards the ideal of mixed residential neighbourhoods, where people of different social and economic backgrounds and of different ages can live in proximity and harmony.*

*Larger areas of vacant lands and unfinished residential development, located within areas designated as ‘Primarily Residential’, have been identified as ‘Primarily Residential (undeveloped)’. Areas that are, in the main, developed are identified as ‘Primarily Residential (developed)’. (Refer to Volume 3, Appendix E, Book of Maps).*

*It is envisaged that the bulk of residential development will take place on lands zoned ‘Primarily Residential’. Other development that does not negatively impact on the residential use of neighbouring lands will also be open for consideration in this zone.*

*Certain institutional and community uses, small-scale enterprises and shops can enliven residential areas and ensure local services are easily available. The key to their acceptability will be their impact on neighbouring residential amenity.*

*Areas zoned Primarily Residential that have been largely undeveloped are indicated as such in Appendix E, Book of Maps. These areas include vacant lands and certain areas where development has not been substantially completed”.*

#### *Justification Test*

- 5.1.3. Section 4.2.2.9 of the County Development Plan relates to a Justification Test. This outlines that a justification test in terms of the market demand for new residential development will generally be required in the case of all new applications for residential schemes (two or more dwellings) pending a narrowing of the supply and demand of residential units in those centres where there remains a wide divergence.



## *Development Management*

- 5.1.4. Chapter 5 of the Development Plan sets out Development Management Standards. Section 5.3 relates to residential development within towns and villages and outlines the following:

*“Development proposals in the towns and villages of the County should be designed to respect the scale, character and finishes of the local built environment. Proposals located on the edges of built-up areas should be designed to integrate with the existing urban fabric and not to create sprawling boundaries to the towns and villages. Infill proposals will be evaluated to ensure that detailed design elements harmonise with adjoining buildings and that overdevelopment of restricted sites does not result”.*

- 5.1.5. Section 5.1.1 sets out Development Management Requirements. This outlines that development which is in accordance with the aims, policies and objectives of the plan will be permitted provided that the development:

- *respects the character or appearance, particularly the established scale, massing, rhythm and materials, of the building, group of buildings or surrounding area, including characteristic building lines and plot widths, of which it forms a part;*
- *is of materials, form and detailing appropriate to the design and function of the building and locality in which it is set;*
- *incorporates, where possible, existing landscape or other features, takes into account site contours, changes in level and avoids prominent skylines;*
- *does not materially/detrimentally affect the existing form and character of the surrounding townscape or landscape;*
- *provides satisfactory vehicular, pedestrian and disabled access, adequate off road parking and servicing arrangements, and has no adverse impact on the local road network;*
- *does not materially/detrimentally affect the amenity of local residents, other land and property users or characteristics of the locality by virtue of increased activity, disturbance, noise, dust, fumes, litter & provides satisfactory amenity standards itself;*

- *satisfies physical or natural environmental considerations relating to land drainage, land stability and liability to flooding;*
- *does not materially/detrimentally affect the natural conditions and wildlife habitat or watercourse corridors;*
- *provides adequate sewerage/sewage treatment facilities;*
- *has regard to the adequacy of existing public facilities and services. If new infrastructure is required this should be capable of being provided at a reasonable cost and in reasonable time.*

5.1.6. Section 5.3.3 outlines that proposals should provide rationale for the density levels proposed relative to existing or proposed infrastructure and the surrounding town or village character and environment. Proposed development should also have regard to the density of adjoining development, the nature of the adjoining development and site characteristics, the availability of services and the particular layout proposed.

5.1.7. Section 5.3.3 also lists other considerations for developments including appropriate provision for open spaces, adequate privacy for each household, a design that integrates successfully into the existing environment and adequate car parking facilities. Higher residential densities may be considered in brownfield sites close to town/village centres.

5.1.8. Section 3.02 relates to Residential Design Standards. The following standards are of relevance:

- Normally, minimum private open space of 55 m. sq. will be required for all houses. The standards to be applied for private open space provision per bed-space are 16 sq. m. for houses and 10 sq. m. for apartments and flats.
- In addition, a minimum of 22m will normally be required between directly opposing rear first floor windows of habitable rooms.
- A minimum of 2.5m should be provided between dwellings to allow access for maintenance. Where buildings are greater than two storeys this dimension may need to be greater.
- Generally public open space in new residential development, in excess of private space attached to dwellings, shall be provided at the rate of 12 sq. m.

per bed-space for houses and 10 sq. m. per bed-space for apartments. Notwithstanding the above a minimum of 15% of the site area will normally be required as public open space.

- Table 3.1 sets out car parking standards. A minimum parking requirement of 2 spaces per dwelling is set out.

## 5.2. Natural Heritage Designations

The nearest designated European sites to the appeal site, including SAC's and Special Protection Areas (SPA's) include the following:

- Lough Melvin SAC – 0.8km east
- Lough Melvin pNHA – 0.8km east
- Kinlough Wood pNHA- 1.8 km south-east
- Arroo Mountain SAC – 3.1km south
- Arroo Mountain pNHA – 3.1km south
- Aghavoghil Bog NHA – 6km south east
- Glenade Lough p NHA – 9km south
- Glenade Lough SAC -9km south
- Ben Bulben, Gleniff And Glenade Complex pNHA- 6.1 km south west
- Ben Bulben, Gleniff And Glenade Complex SAC- 6km south west
- Sligo/Leitrim Uplands SPA- 6km south west
- Bunduff Lough And Machair/Trawalua/Mullaghmore p NHA – 5.6km west
- Bunduff Lough And Machair/Trawalua/Mullaghmore SAC – 5.6km west
- Donegal Bay SPA- 3km north
- Erne Estuary/Finner Dunes p NHA – 4.7km north
- Dunmuckrum Turloughs SAC- 6.1km north-east

## 5.3. EIA Screening

Having regard to the nature and scale of the proposed development, comprising 6no. dwellings on a 0.249ha infill site within an existing housing estate, there is no real likelihood of significant effects on the environment arising from the proposed

development. The need for environment 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

A third party appeal was submitted from Anthony and Frances O' Reilly, the occupier of the adjoining property to the east. The following provides a summary of the main grounds of appeal:

- Requests an Oral Hearing.
- Considers that their concerns raised in respect of the proposal within the submissions on the application were not taken into account. It is stated that there was a biased and invested interest by LCC as the planning authority own 8/10 semi-detached houses adjacent.
- The appeal raises concern in relating to the existing boundary treatment to the east including the structural stability of the boundary fence, potential removal of hedgerow and removal of boundary treatment by future occupants.
- The proposal represents overdevelopment and overcrowding of the site. The appeal outlines that the proposal is out of character with existing development within the estate on grounds that existing development comprises family occupied 2 storey houses with vast space between gables of properties. The quantum of open space within the development is questioned.
- No objection is raised in relation to the principle of the development of the appeal site. Concerns are raised in relation to the impact of the proposal on the residential amenity of the appellants dwelling. The gable end of the house is 3.3m from the appellants boundary. The appellants dwelling includes a garden room which includes a fully decked area and acts as an extension to the property. This area is currently not overlooked and comprises the appellants private amenity space. Having regard to the presence of this area, the separation distance of 12.6m as cited by the applicant is not correct. It is

stated that the proposed development will result in a devaluation of the appellants property.

- Reference is made to revisions made to the dwellings in response to LCC's request for further information. It is stated that the height of the units increased from that originally proposed and the gable ends are longer which results in an increased impact on the appellants dwelling in terms of impact of light, privacy and view. This is not addressed by LCC.
- Level differences between the application site and appellants property have not been addressed. Concerns are raised in relation to the structural stability of the boundary treatment and potential subsidence/damage to the outdoor area of the property.
- Noise, dirt and dust impacts associated with the proposal have not been addressed.

## 6.2. Applicant Response

- None.

## 6.3. Planning Authority Response

Leitrim County Council provided a response to the grounds of appeal. The following provides a summary of the key points raised.

- The central open space area to the south of the site provides more than adequate open space to serve the development. The site is current vacant and underused.
- The Planning Authority refutes the allegation that there was a biased decision and there was "invested interests" in the development. The site is an infill site, zoned for residential development and the principle of residential development at this location is long established.
- In terms of character and density the Planning Authority considers that the proposals as submitted in the application will respect the existing character/rhythm of existing development in terms of plot size and lateral boundary lines and will not materially or detrimentally affect the existing form

and character of this residential area. The development as revised in response to the FI request provides an increased separation distance from 2.7m to 4.95m between the proposed units and furthermore provides an increase space along the lateral boundary lines up from 2.6m to 3.3m.

- In terms of impact on residential amenity of the appellants property it is stated that the FFL/ridge height of the proposed dwellings is 8.1m/13.5m and the appellants property is 11.04m/16.8m. The Planning Authority is satisfied that sufficient separation distance at 12.66m and no issues arise in terms of overlooking, overshadowing and impact on residential amenity arises given the separation distance and boundary treatment between the 3<sup>rd</sup> party property and the nearest point of the proposed dwellings.
- The Planning Authority is satisfied that the appellants concerns relating to noise, dirt and dust can be addressed vis condition requesting a Construction Management Plan. It is furthermore stated that such impacts are temporary in nature and given the small scale of the development such impacts are considered to be limited.
- Having regard to the policies and objectives of the Leitrim County Development Plan 2015-2021 the Planning Authority is satisfied that the development will not seriously injure the amenities of the area and is in accordance with the proper planning and sustainable development of the area.
- The Planning Authority respectfully recommends that An Bord Pleanala upholds the decision of Leitrim County Council to grant permission for the development.

## 7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Proposal

- Layout, Design and Impact on Visual Amenity
- Impact on Residential Amenity
- Other Issues
- Appropriate Assessment

## 7.2. Principle of Proposal

7.2.1. The appeal site comprises an existing undeveloped infill site within an established residential estate in the development boundary of Kinlough. The site is zoned for “Primarily Residential” purposes within the Leitrim County Development Plan 2015-2021 (as varied and extended). Dwelling is listed as a use which is “acceptable in principle” on lands zoned for primarily residential purposes.

7.2.2. The development seeks to construct 6 no. houses on the vacant site. The site is an infill site and its development supports the sequential approach to the delivery of housing. I consider that the principle of the proposal is acceptable subject to layout and residential amenity considerations. The development is acceptable in principle and will support national and local policy objectives for compact growth.

## 7.3. Layout, Design and Impact on Visual Amenity

7.3.1. The appeal outlines that the proposal represents an overdevelopment of the site and is inconsistent with the existing format and pattern of development within the area. The appeal also questions the lack of public open space to serve the development.

7.3.2. The proposed development comprises the construction of 6 no. residential units on an infill residentially zoned site. On review of the proposed layout plans, I consider that the proposed development will respect the existing character/rhythm of existing development in terms of plot size and lateral boundary lines and will not materially or detrimentally affect the existing form and character of this residential area. I consider that the proposal is in accordance with the guidance for infill development as set out within Section 5.3 of the Leitrim County Development Plan in this regard.

7.3.3. The site is currently vacant and overgrown and does not contribute to the public open space provision of the estate. A large open space area for the estate is provided to the south of the site. The principle of residential development has previously been established on the site and the proposal will facilitate the completion of the existing internal road network.

- 7.3.4. The appeal outlines that the proposed 2 bed format represents a deviation from the existing format of development within the immediate vicinity which accommodates family units. However, in this regard, I consider that the proposed 2 bed units will provide a mix of unit types and promote a mix of tenure within the area.
- 7.3.5. I refer to the Property Surveyors Report submitted in response to Leitrim County Council request for further information in accordance with the Justification Test requirements set out within Section 4.2.2.9 of the Leitrim County Development Plan 2015-2021. This report demonstrates the prominence of 3 and 4 bed roomed houses within the area and the market demand for 2-bedroom dwellings on the basis of the demographic profile of the area. I consider that the applicant has demonstrated sufficient market demand for the format of units proposed.
- 7.3.6. The site is currently vacant and overgrown and contributes little to the visual amenity of the area. In visual terms I note that the proposed units are finished in render and blue/black roof tiles and will reflect the existing finishes within the Oakfield Manor Estate.
- 7.3.7. On an overall basis, I consider that the development of the vacant site would enhance the visual amenity of the area particularly for existing residents in the immediate vicinity of the site where the unfinished nature of the development is most evident. The proposal will complete the estate and the internal road network and provide a more appropriate interface with existing properties.

#### **7.4. Impact on Residential Amenity**

- 7.4.1. The primary grounds of appeal relate to the impact of the proposal on the residential amenity of the appellants property, the existing dwelling to the east of the site. The appeal raises concern in relation to overlooking, loss of light, level difference, devaluation of property and damage to property. The appellant outlines that the development as amended in response to the planning authority's request for further information increases the impact on their property in terms of light, privacy and view.
- 7.4.2. The appellant also raises concerns in relation to construction phase impacts associated with the development in terms of noise, dust and dirt omissions. I consider the points raised in turn as follows.

##### Overlooking/ Loss of Privacy



- 7.4.3. The relationship between the proposed development and appellants property is illustrated on the Longitudinal Site Cross Section (Drawing no. 16). This illustrates that the nearest dwelling is set back by 3.3m from the eastern site boundary and 12.6m from the appellants dwelling. The eastern site boundary of the appeal site also includes a 5m high hedgerow/screen planting along the eastern site boundary.
- 7.4.4. The “Revised House Type” plan illustrated that the proposed dwelling elevations incorporate one no. bathroom window. The applicant has clarified that this window will comprise obscure glass. This can be confirmed via condition. Having regard to the design of the proposed dwellings and the nature of the proposed boundary treatment, I am satisfied that no overlooking of the adjoining property arises as a result of the proposal.
- 7.4.5. The appellant raises concerns in relation to potential overlooking of the existing private amenity space existing decked area/garden room located to the north-west of their dwelling. The appeal includes photographs of this area. I note that this area will not be overlooked by the proposed houses and I consider that the proposed eastern party boundary will ensure sufficient privacy.
- 7.4.6. I note the concerns raised within the appeal in relation to the potential removal of the boundary treatment by future occupiers of the development. The Proposed Landscaping Plan submitted in response to Leitrim County Council’s request for further information sets out landscaping proposals. This outlines that the existing 5m high boundary hedgerow along the eastern site boundary will be retained, with any gaps repaired. I refer to the requirements of Condition no. 9 of LCC’s notification of decision to grant permission for the development which outlines that the site shall be landscaped and maintained in accordance with the landscaping details and management plan submitted with the application. I consider the requirements of this condition to be appropriate to ensure the preservation of the eastern boundary treatment.

*Overshadowing / Overbearing*

- 7.4.7. The issue of overshadowing/loss of light as a result of the proposal is raised within the grounds of appeal. Overshadowing of the adjacent property is addressed within the applicants FI response. The Longitudinal Site Cross Section submitted in conjunction with the FI response outlines that the ridge height of the proposed

dwelling is 1.6m higher than the cill height of the existing house at a distance of at least 12.6m resulting in an angle of c. 7 degrees. It is stated that at latitude of 54 degrees north the elevation of the sun is higher than this throughout the day even at winter solstice. It is concluded that the proposed house would have no overshadowing affect in this regard. I note the reference in the applicant's FI response to the provision of Sunpath Diagrams with the FI response. However, I see no record of Sunpath Diagrams on the layout plans.

- 7.4.8. The Longitudinal Site Cross Section illustrates that the FFL/ridge height of the proposed dwellings is 8.1m/13.5m and the appellants property is 11.04m/16.8m. The ridge height of the proposed dwelling adjacent to the eastern site boundary is just marginally above the height of the existing 5m hedgerow.
- 7.4.9. Having regard to the topography of the site, the siting and height of the proposed dwellings, existing boundary treatment and distance to existing residential property to the east I consider that there will be limited overshadowing impacts arising from the proposed development.
- 7.4.10. I furthermore do not consider that the proposed houses will be visually overbearing from the appellants property having regard to the level difference and existing/proposed boundary treatment.

*Subsidence/Damage to Property*

- 7.4.11. The appeal refers to the level difference between the appeal site and application site and raises concern in relation to the structural stability of the boundary fence which includes rotten wooden posts. It is stated that the proposal may result in potential subsidence/damage to the appellants outdoor decked area. In this regard I note that no significant alteration is proposed to the existing boundary treatment as a result of the proposed development.
- 7.4.12. The Proposed Landscaping Plan includes details of maintenance and repair of the existing site boundary. I do not envisage impact on the structural integrity of adjacent properties and gardens and note that no concerns are raised by the planning authority in this regard.

### Construction Phase Impacts

- 7.4.13. The appeal raises concern in relation to construction phase impacts associated with the development of the site in terms of noise, dust and dirt. A Preliminary Construction Management Plan was submitted by the applicant in response to Leitrim County Council's request for further information. This outlines that the construction phase would be limited to a 6 to 9 month period and sets out measures to manage the construction phase of the development to negate against impact on existing residential development. The plan outlines that a detailed Construction Management Plan would be prepared on appointment of a contractor.
- 7.4.14. Condition no. 12 of LCC's notification of decision to grant permission for the development which relates to the submission of a Construction Management Plan for written agreement with the planning authority which sets out details of working hours and noise and traffic management measures prior to the commencement of development. I consider that the requirements of this condition are appropriate in the instance that the Board is minded to grant permission.

### Devaluation of Property

- 7.4.15. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusions set out above, I see no evidence to substantiate this claim.

### Conclusion

- 7.4.16. Having regard to existing and proposed boundary treatment, separation distances between the existing and proposed dwelling and level differences on site I conclude that no issues of overlooking, overbearing, or overshadowing arise which would negatively impact on the residential amenity of adjoining residential properties.

## **7.5. Appropriate Assessment**

- 7.5.1. An Appropriate Assessment and Screening Report prepared by Clemet Travers, Building Design and Surveying was submitted in response to Leitrim County Council's request for further information.
- 7.5.2. Section 3 of the report outlines that the following Natura 2000 sites are located within 15km of the proposal. The nearest designated site is Lough Melvin SAC which is located 0.8km to the east of the appeal site.

### Special Areas of Conservation

- Lough Melvin SAC – 000428
- Arroo Mountain SAC – 001403
- Bunduff Lough and Machair/Trawalula Mullaghmore SAC-000635
- Benbulbin, Gleniff and Glenade Complex SAC-00623
- Glenade Lough SAC-001919

### Special Protection Areas

- Donegal Bay SPA – 004151
- Sligo/Leitrim Uplands SPA – 004187

7.5.3. In addition to the sites identified by within the applicant's screening report, I note that the following sites are also located within 15km of the development site.

- Dunmuckrum Turloughs SAC

7.5.4. Section 4 of the applicants AA Screening Report relates to the Assessment Criteria for the development. This refers to the characteristics of the proposed development and outlines that surface and foul water effluent from the development would be discharged to the existing drainage system. The report concludes that the proposal will not give rise to significant adverse impacts on the integrity of any Natura 2000 site.

7.5.5. The planner's report which informs the decision of LCC to grant permission for the development outlines that:

*“Having regard to the distance of the subject site from the nearest European Site, I am satisfied that the proposed development will not have an adverse impact upon the qualifying interests of any European Site. It is not considered necessary as a result to require the undertaking of a Stage II Appropriate Assessment”.*

7.5.6. Having regard to the nature of the development comprising of 6 no. dwellings on a infill site within a serviced urban area, and the separation distance to any European site, 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.

## 8.0 Recommendation

8.1. I recommend that permission is granted subject to conditions.

## 9.0 Reasons and Considerations

Having regard to the location of the site on a infill site within an existing residential development, the residential zoning objective for the site, national and local policy objectives which support the development of infill sites, the pattern of development in the area and the nature and scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and 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.

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by further plans and particulars received on the 14/06/2021 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.	All bathroom windows permitted herein shall be glazed in opaque glass.  Reason: In the interest of residential amenity.
3.	The site shall be landscaped and the open space maintained in accordance with the landscaping details submitted. All landscaping shall be completed prior to the first occupation of the proposed development.  Reason: In the interests of visual amenity.

4.	<p>Proposals for a naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and apartment numbers, shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
5.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
6.	<p>Drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The construction and demolition 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 work, noise and dust management measures, a Traffic Management Plan, details of disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
9.	<p>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.</p> <p>Deviation from these times will only be allowed in exceptional</p>

	<p>circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
10.	<p>(a) Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority pursuant to Section 47 of the Planning and Development Act 2000, that restricts any such residential units permitted (the number and location of each housing unit being specified in such agreement), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p>

	Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.
11.	<p>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.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
12.	<p>The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of the costs of completing the road and associated services fronting the site. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.</p> <p>Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.</p>
13.	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



	<p>or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
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Stephanie Farrington  
Senior Planning Inspector

29<sup>h</sup> of July 2022