



An  
Bord  
Pleanála

## Inspector's Report ABP 312080-21.

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<b>Development</b>	Retention of external alterations to increase seating. Repositioning of pedestrian entrance and access ramp to front entrance door, Alterations to front boundary wall.
<b>Location</b>	Driftwood Restaurant and Bar, Rosses Upper, Roses Point, Sligo.
<b>Planning Authority</b>	Sligo County Council.
<b>P. A. Reg. Ref.</b>	21/369.
<b>Applicant</b>	Quinn O'Brien Hospitality
<b>Type of Application</b>	Permission and for retention.
<b>Decision</b>	Grant Permission and for retention.
<b>Type of Appeal</b>	Third Party
<b>Appellant</b>	Jan Canham and Aisling Gillen.
<b>Date of Site Inspection</b>	21 <sup>st</sup> June, 2022.
<b>Inspector</b>	Jane Dennehy

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## 1.0 Site Location and Description

- 1.1. The application site of the Driftwood Bar, formerly the Waterfront Bar and is that of two conjoined two-storey buildings with an entrance beneath an arch at the side. It is in use as a bar and restaurant at ground level and guest bedroom accommodation on the upper floor. There are tables and chairs for patrons for use outdoors within the front curtilage to the west side of the pedestrian entrance which is enclosed by boundary wall along the frontage onto the L-3309) along which there is parallel carparking. There was no outdoor furniture in the area within the enclosed front curtilage to the east side of the pedestrian entrance.
- 1.2. The appellant party's property, a two-storey house with a single storey glazed lounge to the front of the dwelling is located on the east side of the application site. The front building line is set back behind that of the application site property. The front curtilage is enclosed by cast iron railings mounted on plinth walling along the site frontage between piers and with an entrance.
- 1.3. A two-storey residential property is located adjacent to the application site on the western side. The buildings along the frontage onto the L3309 are mainly in residential use interspersed with guesthouse, bar/restaurant and institutional/sports/recreational uses. The R291 Rosslare-Sligo regional route along the coastline is located to the south and roughly parallel to the L3309 serving the village above the level of R291 and separated from it by walling and linear landscaping.

## 2.0 Proposed Development

- 2.1. The application lodged with the planning authority indicates proposals for
  - Permission for Retention of external alterations to increase seating. Repositioning of pedestrian entrance and a new access ramp 1.5 metres (which is to be Part M compliant) toward the east on the frontage to include alteration to the front boundary wall to close the existing access and to provide for a short new wall with a pillar at the new entrance in replace met of existing wall and railings. The front patio area, as a result on the east side can be provided with external seating for a total of thirty-two permissions.

- At the front of the porch, a planting scheme for the hard landscaped space, is included on the lodged plans along with an ECO Bin with no access being available to the space behind the Eco Bin. The existing entrance arrangements by the front porch or folding doors are to remain unaltered

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By order dated, 4<sup>th</sup> November, 2021 the planning authority decided to grant permission and permission for retention subject to two conditions. Under Condition No 2 there is a requirement for soft landscaping of an area at the front defined as the “planting buffer” to be completed within three months of the date of final grant of permission.

#### **3.2. Planning Authority Reports**

The planning officer in his report indicates that he considers the proposed development which would provide for no additional floor space but some additional seating for dining outdoors to be minor in nature, but it is acknowledged that there is potential for increased noise and disturbance associated with dining outdoors which he considers insignificant. He also states that the proposed landscaping for the east side provides for separation from the adjoining, (Appellant Party’s) property.

He considers the proposed development appropriate for the location in noting the long-established licensed bar use of the buildings and the designation of the area for: “mixed uses’ within the Rosses Point ‘Mini’ Plan.

#### **3.3. Third Party Observations**

A Submission was lodged by the appellant party indicating concerns as to erosion of the streetscape, conflict with a condition attached to a prior grant of permission and adverse impact on residential amenities.

## 4.0 Planning History

The application site has a planning history relating to eighteen applications over a twenty-five-year period. The most recent applications can be outlined as follows.

**P. A. Reg. Ref. 17/196/:** Permission was granted for demolition of a porch and removal of a shopfront so that the ground floor window sizes are increased along with alterations to the fenestration, a new painted timber and plasterboard shopfront and new glass porch and entrance door and signs, lighting and site works.

According to Condition No 5 there is a requirement for clarification as to the areas to be designated for outdoor dining with a compliance submission being required so that residential amenities of the adjoining property could be protected.

**P. A. Reg. Ref. 17/200:** Permission was granted for change of use from gallery to licensed bar restaurant with interconnecting licensed bar restaurant. A new staircase at the rear and change of use of first floor bedrooms for guest bedrooms and associated site works.

There is also a prior planning history:

**P. A. Reg. Ref. 02/985/ PL 203353:** Further to appeal, Permission was granted for: Change of use of bar/restaurant at the former Waterfront Ba to hotel along with, change first floor accommodation to hotel, demolish house and replace with hotel accommodation.

**P. A. Reg. Ref. 99/689:** Permission was granted for a new shopfront, internal alterations and a rear extension which incorporate a restaurant extension kitchens and staff and ancillary space.

**P. A. Reg. Ref. 99/17:** Permission was granted for retention of a rear extension.

**P. A. Reg. Ref. 95/56:** Permission was granted or demolition of a porch and construction of a new porch.

An application for development similar to that of the current proposal was withdrawn prior to determination of a decision. (P. A. Reg. Ref. 21/118 refers):

## 5.0 Policy Context

### 5.1. Development Plan

The operative development plan is the Sligo County Development Plan, 2017-2023 which incorporates the Rosses Point Mini Plan (in chapter 31. Vol 2) according to which the site is within an area subject to the zoning objective: 'Mixed Use' for which it is the objective to promote dynamic mixes of uses and create and sustain viable village centres.

According to section 31.2 it is the policy of the Mini Plan to ensure new development in village centre reflect and enhance the existing streetscape in accordance with policies (Urban Design and requirements of section 13.2.3 for historic streetscape locations. Retention and refurbishment of existing properties along the old village upper road rather than demolition and reconstruction is required in order to retain the character and rhythm of the streetscape.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

An appeal was lodged by Jan Canham and Aisling Gillen of the property adjoining the east side of the application site on 30<sup>th</sup> November, 2022. Some photographs and a copy of the report of the inspector on an appeal against the planning authority decision to grant permission, (under P. A. Reg. Ref. 02/985/ PL 203353 are attached.

- According to the Appeal, the proposed development would erode the traditional streetscape: -

Removal of railing and reconfiguration of boundary walls eroded the original streetscape and as a result the premises now appears as one large building.

The works carried out are contrary to the grant of permission under P. A. 17/196, condition Nos 4 (iii) and 5 in that under Condition No 4 the exact size and profile of the boundaries should replicate those of the

existing walls to be retained and under Condition No 5 the walls and railings to the front of the former gallery were to remain in situ and not reconfigured.

The proposed development is contrary to the CDP Vol 2 Chapter 31 – Rosses Point Mini Plan. Reference is made to the requirement for new development in the village to reflect and enhance the streetscape character in accordance with section 13.2.4 and Chapter 12 of the CDP and to retain the character and rhythm of the historical streetscape retention and refurbishment of existing properties rather than demolition and reconstruction is required. An extract from the inspector's report under PL 203353 is included in support of the claim as to the amalgamation of buildings at the site being inappropriate having regard to historic plot widths and a visually vulnerable designation of the area in the then extant CDP.

- According to the appeal the proposed development adversely erodes the residential amenities of the appellant party's property.

The new flat wall adjacent to the garden of the appellant party property which is identical to the main wall which gives the impression of a larger premises enables patrons to sit on and lean it while congregating outside the premises. This has led to serious invasion of privacy and residential amenity at the appellant party property. The location is within one metre of the house and adjacent to the front garden.

It is not agreed that the planting buffer required under Condition No 2 is adequate for the purposes of protection of privacy and residential amenity.

## 6.2. Applicant Response

There is no submission from the applicant on file.

### 6.3. **Planning Authority Response**

In a submission lodged on 21st December, 2021 it is stated that it is considered that there are no details within the appeal that would warrant reconsideration of the assessment and decision on the proposed development. It is requested that the decision of the planning authority be upheld

## 7.0 **Assessment**

7.1. The issues central to the determination of the decision can be considered under the following subheadings.

Impact on visual amenities and historic character of the streetscape and existing buildings.

Impact on Residential Amenities

Environmental Impact Assessment Screening

Appropriate Assessment Screening.

### 7.2. **Impact on visual amenities and historic character of the streetscape and existing buildings.**

7.2.1. With regard to the contentions in the appeal relating to erosion of the historic streetscape it is considered that the current, the subject proposal has marginal impact on the presentation of the building in that the buildings have previously been subject to substantive works and alterations as is evident in the planning history brief details of which are in para 4 above. Notwithstanding the previous and proposed works and alterations to the front curtilage and the front boundary treatment the historic plots and buildings themselves are clearly readable within the streetscape. The presentation of the roof profiles, chimney stacks and first floor level facades should be borne in mind in this regard. Furthermore, there is a relatively wide-ranging building typology along the streetscape which includes buildings dating from different periods and of varying quality, and uneven front building line and different presentation of front boundaries and front curtilages.



### **7.3. Impact on Residential Amenities**

- 7.3.1. With regard to the contentions in the appeal as to adverse impact on the residential amenities of the appellant party's property it is considered that any potential for increase in noise and disturbance by patrons that could be attributable to the current proposal is minor even though the contention in the appeal as to inclination of patrons, congregating outside the front curtilage to lean against and place drinks on the front boundary wall is noted. The likelihood of such occurrences would appear to be relatively irregular, the numbers of patrons simultaneously present and the weather being considerations.
- 7.3.2. It is considered that planting buffer proposed for the enclosed front curtilage space adjacent to the east boundary with the appellant property, subject to an appropriate scheme being selected and implemented is considered a sufficient screening measure providing for visual and physical separation between patrons outside the building and the appellant party property.
- 7.3.3. As has been made clear in the planning officer report, there is a long- established development in commercial /hospitality uses at the site which is the baseline scenario, and the village location is designated for mixed uses. The alterations and changes subject of the current proposal, at an established premises development, which is also subject to Vintners Licencing requirements is considered acceptable. However, it is recommended that not only should the proposed planting scheme be implemented without delay should permission be granted, but that a compliance submission should also be required so that it can be ensured that the landscaping and planting scheme is appropriate in providing for screening and a barrier effect.

### **7.4. Environmental Impact Assessment Screening**

Having regard to the nature of the proposed development and its location in a serviced urban area removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **7.5. Appropriate Assessment Screening.**

Having regard to the location and to the nature of the proposed development in a serviced inner suburban area in the city, no Appropriate Assessment issues arise.

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. In view of the foregoing, it is recommended that the planning authority decision to grant permission and permission for retention be upheld, based on the reasons and considerations and subject to the conditions which follow.

## 9.0 Reasons and Considerations

Having regard to the planning history for the site and to the location of the site within an area designated for mixed uses within the Rosses Point Mini Plan, incorporated within the Sligo County Development Plan, 2017-2023 and, to the established pattern and character of development in the area, it is considered that subject to compliance with the conditions hereunder, the proposed development would not have adverse impact on the visual amenities and integrity and character of the existing buildings and the streetscape along the northern side of the road, would not seriously injure the residential amenities of adjoining properties and would 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The applicant shall prepare a planting and landscaping scheme to include full details of a schedule of species and screening proposals for the area shown on the lodged site layout plan as a "Planting buffer" to the front of the building to the east of the pedestrian entrance and the eastern side boundary with the adjoining property. The scheme shall be submitted and agreed with the planning authority in writing, within two months of the date of the order and fully implemented within three months of receipt of the written agreement of the planning authority and fully maintained thereafter.
3. Reason: In the interest of the protection of the residential amenities of the adjoining property.

**Jane Dennehy**  
Senior Planning Inspector  
30<sup>th</sup> June, 2022