



An
Bord
Pleanála

Inspector's Report ABP 313398-22.

Development	Extension at side and rear and a raised patio in line with ground floor, storage area at lower ground level and living area at ground level and ancillary site works.
Location	El Camino, Buenos Aires Drive, Strandhill, Co Sligo.
Planning Authority	Sligo County Council
P. A. Reg. Ref.	21 415.
Applicant	Fionnuala Gannon and Gavin Deasy.
Type of Application	Permission
Decision	Grant Permission
Type of Appeal	Third Party
Appellant	John Heffernan.
Date of Inspection	21 st June, 2022
Inspector	Jane Dennehy.

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1.0 Site Location and Description

- 1.1. The site of the proposed development has a stated area of 4,100 square metres is that of a split-level detached house with a stated floor area of 154 square metres.
- 1.2. The applicant's property, a detached split-level house with front driveway parking and gardens to the front and rear and which faces onto Buenos Aires Drive is elevated and on a slope which rises towards the north west with the finished floor levels of the houses along it being stepped up correspondingly. The properties on The Dunes, which include the Appellant's property to the south east are bungalows within a cul de sac facing north west across the cul de sac towards the rear boundaries of the properties on Buenos Aires Drive. The Buenos Aires Drive properties which are elevated above the level of the public road in The Dunes but are densely screened from views by evergreen planting and/or timber fencing. A rendered and painted wall is located along the road frontage in the cul de sac at the rear of the Buenos Aires Drive properties.
- 1.3. At the rear of the application site property, there is a strip on the inner side of the roadside boundary wall which has been cleared of hedgerow. (It is understood from the documents available in connection with the application and appeal that this clearance took place in 2021.)

2.0 Proposed Development.

- 2.1. The application lodged with the planning authority indicate proposals for construction of a side and rear extension along with a raised patio in line with the ground floor level but with a storage area at the lower ground floor level and a living space at the ground level along with ancillary site works. The total stated floor area is fifty-three square metres.
- 2.2. A further submission was lodged with the planning authority on 28th February, 2022 in response to a multiple item additional information request in which the applicant's additional accommodation requirements are described. Included is a revised site layout plan indicating details of surface water drainage arrangements with discharge to the public sewer network, site boundary treatment, finished floor levels, relocation

of the oil tank southwards, removal of a garden shed and storage provision beneath the patio.

- 2.3. Also included are details of railings which are to be 1.8 metre high with an opaque barrier at the patio for screening purposes.
- 2.4. A statement as to security of the structural stability of the rear retaining wall along with an undertaking for all the works including any works relating to the retaining to be carried out under the direction of a structural engineer.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to grant permission subject to conditions:

Condition No 2 contains requirements for the arrangements for surface water drainage which is to be discharged to the public sewer with avoidance of flow onto the public road.

Condition No 3 contains requirements for the west facing of the glass balustrade to be opaque glazed and at a height of 1.5 metres.

Condition No 4 contains the requirement for the south boundary to be planted with mature hedgerow during the first planting season following construction and the east boundary to have a solid timber 1.8 metres high fence as submitted on drawing No P1124. The reasoning provided is for the interests of visual and residential amenity.

3.2. Planning Authority Reports

- 3.2.1. Further to a request for and receipt of further information, showing details of boundaries drainage finished floor levels balustrading for the patio, hedgerow treatment, and the location and oil tanks and confirmation as to protection of structural stability of the rear retaining wall. the planning officer indicated satisfaction with the proposed development.

3.3. Third Party Observations

A submission was lodged by the appellant party whose concerns relate to potential for loss of privacy at his property at No 7 The Dunes, drainage arrangements, structural stability of a retiling wall, design scale and size, light pollution, adverse impact on hedgerows and trees and as to the location of an oil tank on the site along with a contention as to inaccuracies over the redline boundary for the site. His objections are set out in detail in the appeal.

4.0 Planning History

P. A. Reg. Ref 06/1062. Permission was granted for alterations to the front façade, change of use of a garage to a study area at basement level and associated site works.

5.0 Policy Context

5.1. Development Plan

The operative development plan is the Sligo County Development Plan, 2017-2023 Policies, objectives and standards for residential extensions are within section 13.4.6.

According to the Strandhill Mini Plan 2017-2023 the site is subject to the zoning objective; 'Residential Uses.'

6.0 The Appeal

6.1. Grounds of Appeal

An appeal has been lodged by John Heffernan of No 7 The Dunes on his own behalf on 21st April, 2022 according to which:

- In the site layout plans the dimensions to the claimed boundary are incorrect as the measurement is from the existing dwelling to the claimed boundary at the retaining wall. It is three metres beyond the southern boundary of the applicant's property. The correct site boundary is indicated on the more

detailed site location map for the grant of permission under P. A. Reg. Ref. 06/1062. This distance is 8.062 metres to the southern boundary, and it is consistent with the extent for the Dunes. A drawing is included. The application is not valid.

- Reference in this regard is also made to mapping by the OSI which is stated to have been carried out recently and it indicates part of the hedgerow between The Dunes and the application site property as removed and it exposes the original fence line where a telegraph pole was erected at the intersection of the site. Therefore, the impact of the proposed development should be based on it being located three metres from the boundary instead of 6.1 metres as indicated on the application plans.
- Overlooking of three bedrooms in the appellant party's property will occur, the proposed development including a raised patio and living room with large windows are well above ground level. The separation distance between the two dwellings is twenty metres/ Serious loss of privacy would occur which would be exacerbated by the first-floor level for the proposed development. Windows should not face towards or intrude on vision toward the appellant property or where there is line of sight to the appellant party's bedrooms. Reinstatement of the hedgerow is not a satisfactory solution during construction and afterwards. The proposal is contrary to sections 13.3.7, 13.2.2 and 13.3.14 of the CDP.
- The current building line is encroached by the proposed development
- There would be negative impact on natural and visual amenity. A hedgerow was removed, in September 2021 and it was functional to biodiversity as well as residential amenity. It should have been retained as is required under section 13.4.4. (c) of the CDP in that hedgerows and drystone walling should be retained where possible.
- External lighting at the site may glare and overspill to the appellant property and inadequate details are in the application submission. Such nuisance must be avoided, and screening of the lighting is required.
- The proposed location of the oil tank is an encroachment over the property boundary and too close to the road surface and unacceptable. It should be

positioned within the property so that any spill is contained within the curtilage.

6.2. Response to the appeal

6.2.1. A submission was received from the applicant's agent on 18th May, 2022 according to which:

- The area is urban and in an elevated part of Strandhill. The appellant party's dwelling is circa twenty-five metres from the applicant's dwelling and is to the south east. The appellant property and the other properties in The Dunes face the rear of the houses on Buenos Aires and were constructed later. Extensive hedgerows were planted along the rear boundaries of the houses on Buenos Aires and the hedge at the applicant's property is grissilinea and circa 3.5 metres in height. The applicant intends to reinstate the hedgerow which was removed providing for privacy for the occupants and residents on The Dunes. The reinstatement is more than adequate and is aesthetically more pleasing for the residents on The Dunes than a block wall or similar.
- The finished floor level proposed is the same as that of the existing kitchen and living room which ensures that current levels of privacy will be maintained. The proposed opening faces west, away from the appellant property. The height does not exceed that of the existing dwelling or breach the skyline.
- The first floor/dormer windows are and will continue to be visible from the Appellant property but there is no view into the living room and kitchen (at ground level) as the hedge blocks fields of vision to the property except for the dormers. The ground floor incorporating the proposed development would be no more visible than the existing from the Appellant property.
- The building line applies to the front of dwellings so the argument about encroachment of a building line is not relevant.
- Wildlife and the natural environment will not be reduced or lost owing to the proposed reinstatement of the hedge and it is also intended to increase planting within the rear garden.

- External lighting will not be installed and lighting within the extension will be similar to the lighting at the existing house. Owing to the hedge the properties at The Dunes will not be affected by light.
- The oil tank is located within the applicant's property, but it may soon be removed as an Air to Water heating system may be installed.

6.3. **Planning Authority response.**

6.3.1. There is no submission from the planning authority on file.

7.0 **Assessment**

7.1. The appellant's property, No 7 The Dunes is a detached bungalow with front curtilage parking and a rear garden. It is positioned to the south west and is therefore not directly opposite and facing the rear boundary of the applicant's property on the north east side of the cul de sac.

7.2. The proposed development does not involve any element at first floor level. It is considered that the proposed development the finished floor level of which is the same as that of the existing ground floor accommodation in the dwelling would not adversely affect the residential amenities of properties on The Dunes or the adjoining properties on Buenos Aires. There is and would be no scope for visibility towards the extension as is the case as to lack of visibility towards the ground level accommodation at the applicant's property, notwithstanding the closer proximity of the additional footprint to the rear boundary with The Dunes, the cul de sac.

7.3. It is agreed, further to inspection that the upper floor rear windows and part of the rear roof slope only are visible beyond the boundary of the property of the applicant from the cul de sac. (The Dunes.) However, it is agreed with the planning officer, that substitution of an opaque glazed balustrade, at a height of 1.5 metres for the central barrier proposed in the further information submission is a reasonable supplementary mitigation measure.

7.4. As such in addition to the screening provided by the dense hedge planting, a permanent fixture by way the glazed opaque balustrading separately provides for protection of privacy and residential amenities of the Appellant party's property,

surrounding properties, and the applicant's property itself. The balustrading can be installed as part of the construction whereas a condition can be included for the implementation of the replacement hedgerow planting, (as proposed by the applicant) within a specified timeframe should permission be granted. The issues as to potential for overlooking are more than adequately addressed and provided for by way of the glazed area. Two mitigation measures for protection of residential amenities of adjoining properties and those of the application site property.

- 7.5. With regard to the contentions as to encroachment of a building line, it is not disputed that the proposed development extends beyond the original rear building line of the existing dwelling. However, it is considered that the site has the capacity to accept the additional footprint and the form and height of the proposed development without undue adverse impact on the residential amenities of surrounding properties.
- 7.6. It is considered, having regard to the response to the appeal, that there are no material issues arising as to impacts on natural amenity and wildlife, light overspill or light pollution, or the position of the oil tank within the applicant's property.
- 7.7. The lodged drawings included with the further information submission and the appeal, are considered satisfactory for the purposes of assessment and determination of a decision and do not appear to be misleading or inaccurate with regard to the layout, levels, boundary treatment and redline boundaries in this regard and are considered.

Environmental Impact Assessment Screening.

- 7.8. Having regard to the nature of the proposed development and its location in a serviced inner suburban area in the city, 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.

Appropriate Assessment Screening.

- 7.9. 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. Given the foregoing, the assessment and decision of the planning authority to grant permission is supported and it is recommended that permission be granted based on the reasons and consideration and subject to the conditions which follow.

9.0 Reasons and Considerations

Having regard to site location within an established residential area in Strandhill and to design, footprint, height and form of the proposed development it is considered that, subject to the compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining and surrounding properties, or the visual and natural amenities of the area 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 as amended by the plans and particulars lodged with the planning authority on 28th February, 2022 and with An Bord Pleanala on 18th May, 2022 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 provide for and adhere to the following in the development.
 - (a) Within the first planting season following commencement of construction, an mature evergreen hedge shall be planted along the rear boundary of the site which shall be maintained indefinitely and within the first five years of planting any diseased or failed plants shall be replaced.

(b) A solid timber fence to a height of 1.8 metres shall be erected along the east boundary, (between points A and B shown in Drawing, P1124) with the adjoining property on Buenos Aires Drive

Prior to the commencement of the development, the applicant shall submit and agree in writing, full details in plan and section drawings, of existing and proposed hedgerow planting including all species.

3. Hours of construction shall be confined to the hours of 0800 and 1900 Mondays to Fridays excluding bank holidays and 0800 hrs and 1400 hrs on Saturdays only. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of the protection of the amenities of the area.

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. All external, colours and textures including roof materials shall match those of the existing dwelling.

Reason: In the interest of visual amenity.

6. 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 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.

Jane Dennehy

Senior Planning Inspector

27th June, 2022