



An  
Bord  
Pleanála

## Inspector's Report

### ABP-313589-22

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<b>Development</b>	Construction of dwelling, domestic garage, new entrance, site development works and connection to existing services.
<b>Location</b>	Chapel Road, Treanmore, Mohill, Co. Leitrim.
<b>Planning Authority</b>	Leitrim County Council
<b>Planning Authority Reg. Ref.</b>	21257
<b>Applicant(s)</b>	John and Alice Healy.
<b>Type of Application</b>	Outline Permission.
<b>Planning Authority Decision</b>	Grant Outline Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	John and Alice Healy.
<b>Observer(s)</b>	N/A.
<b>Date of Site Inspection</b>	25 <sup>th</sup> of July 2022.
<b>Inspector</b>	Stephanie Farrington

## 1.0 Site Location and Description

- 1.1. The appeal site is located at Chapel Road Mohill approximately 300m west of the village centre. The site has an area of 0.140ha is currently greenfield is adjoined by residential development to the east and west. The application documentation outlines that an existing 3.5m wayleave adjoins the western boundary of the site. Chapel Road forms the southern boundary of the site and the northern boundary is undefined and adjoined by further undeveloped lands.

## 2.0 Proposed Development

- 2.1. The application seeks outline permission for a two storey dwelling, domestic garage, new entrance and connection to site services. The layout of the proposed dwelling is illustrated in the proposed Site Layout Plan.

## 3.0 Planning Authority Decision

### 3.1. Decision

Leitrim County Council issued a notification of decision to grant outline permission for the development subject to 6 no. conditions. The following conditions are of note:

- Condition no. 2: The dwelling shall be single storey only and shall not contain residential use in the roofspace.
- Condition no. 6 relates to the submission of a landscaping proposal for the site in conjunction with an application for permission.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

##### Initial Planner's Report (04/02/2022)

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

- The nearest Natura 2000 site is Clooneen Bog c.12km to the south of the site. It is clear from the nature of the proposal that an AA is not required.

- The applicant should demonstrate that the remainder of the zoned lands are still accessible and granting of permission would not preclude the development of these lands.
- The site is located within the settlement boundary of Mohill and the Planning Authority is satisfied that the visual impact will not be significant.
- The proposed dwelling is located 6m from the adjoining dwelling to the east. Concerns relating to the impact on the residential amenity of this property are raised on grounds of overlooking and overbearing. A revised layout is recommended.
- No objection is raised in relation to the principle of the access to the site. Provision should be made for access to the remainder of the zoned lands.
- A request for further information is recommended in respect of the following:
  - Submission of a Revised Site Layout Plan illustrating access to the remainder of the zoned lands.
  - Submission of a Revised Site Layout Plan illustrating greater separation distance between the proposed dwelling and the existing property to the east.

*FI Planner's Report (20/04/2022)*

The planner's report on the FI response recommends a grant of permission subject to conditions. The following provides a summary of the key points raised:

- The proposed access road to the west has been increased in width to 8m and facilitates vehicular and pedestrian access. The revised proposal is considered acceptable.
- The Revised Site Layout Plan increases the separation distance from 6m to 8m from the adjoining dwelling to the east. Additional landscaping proposals are also detailed.
- The house will be restricted to single storey to negate against overlooking.

### 3.2.2. Other Technical Reports

#### District Engineer South Leitrim

- No objection subject to condition.

#### Water Services

- The site lies within a fully serviced area and would appear suitable for connection into public water and wastewater mains.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

None.

### 4.0 Planning History

None.

### 5.0 Policy Context

#### 5.1. Development Plan

- 5.1.1. The site is located within the settlement boundary of Mohill and forms part of a larger landholding which is zoned for “Primarily Residential” (Undeveloped) purposes within the Leitrim County Development Plan 2015-2021. Dwelling is listed as a use which is permitted in principle on lands zoned for “Primarily Residential” purposes. Mohill is designated as a Tier 2B “Support Town” within the Carrick on Shannon Area in the County Settlement Hierarchy.

##### *Section 5.1.1 Development Management Requirements*

- 5.1.2. 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”.*

5.1.3. 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.

## 5.2. Natural Heritage Designations

The closest designated sites to the appeal site include the following:

- Clooneen Bog SAC and pNHA – 12 km south
- Ballykenny-Fisherstown Bog SPA – 14km south
- Lough Forbes Complex SAC and pNHA – 14km south
- Lough Sallagh pNHA – 3km to the southeast
- Lough Errew pNHA- 3km southeast
- Lough Rinn pNHA – 4km south

## 5.3. EIA Screening

Having regard to the nature and scale of the proposal and the absence of connectivity to any sensitive location there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A first party appeal was submitted in respect of Leitrim County Council's notification of decision to grant outline permission for the development. The appeal outlines that further information request and notification of decision to grant outline permission have created serious obstacles to the development potential of the site. The grounds of appeal are summarised below.

Reduction in site area:

- The site has a road frontage of 30m to Chapel Road.

- The wayleave along the site boundary is 3.5m in width facilitating access to the adjoining lands from Chapel Road.
- The access road was widened to 8m in response to LCC'S request for further information.
- The reduced site area restricts the design concept and development potential of the site.

#### Restriction of Dwelling to Single Storey

- Condition no. 2 of the decision restricts the height of the dwelling to single storey with restricted use in roof space.
- A bungalow with an increased footprint on a reduced site will further impact the selling potential of the site.
- The site is an infill site with dwellings either side being 2 storey. Dwellings at the opposite side of Chapel Road are also 2 storey.
- The contents of condition no. 2 were not raised by the planning authority in the FI request.

## 6.2. Planning Authority Response

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

- The proposed 8m site access will provide vehicular and pedestrian access to the adjoining undeveloped residentially zoned lands. It is noted that the increased width access road reduces the size of the site, but this is necessary in the context of the proper planning and sustainable development of the area.
- The planning authority remain of the opinion that the proposed 8m set back from the dwelling from the eastern site boundary would result in negative impacts on the amenity of adjoining properties. The restriction of the dwelling to single storey is justified on this basis.
- It is considered that there may be capacity for the dwelling to accommodate first floor accommodation to the front which would not result in overlooking/loss of privacy to adjoining dwellings.

- The Planning Authority recommends An Bord Pleanála uphold the decision of the Planning Authority having regard to the revisions set out in the appeal response.

## 7.0 **Assessment**

Having inspected the site and considered the contents of the first-party appeal, I consider that the main planning issues in the assessment of the proposed development are as follows:

- Principle of Development
- Layout and Height
- Impact on Residential Amenity – Condition no. 2
- Access
- Other
- Appropriate Assessment

The issues raised within the first party appeal relate to the overall revisions to the site area made on foot of the planning authority's request for further information and the restrictions to the height of the dwelling imposed by Condition no. 2. As the grounds of appeal does not relate primarily to the conditions attached to the decision I have considered the application "de novo".

### 7.1. **Principle of Development**

- 7.1.1. The appeal site is located within the settlement boundary of Mohill and zoned for "Primarily Residential (Undeveloped)" 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.
- 7.1.2. The site is currently undeveloped and adjoined by existing residential development to the east and west. 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, access and residential amenity considerations.



## 7.2. Layout and Height

- 7.2.1. The application seeks outline permission for a 2 storey dwelling, domestic garage, entrance and connection to existing services. The application is accompanied by a Proposed Site Layout Plan. The proposed dwelling is set back c. 13m from Convent Road. The proposed building line reflects that of the existing dwellings to the west of the property.
- 7.2.2. The appeal site is an infill site and adjoining by existing residential properties to the east and west. The proposed dwelling, as amended in response to LCC's request for further information, is set back a minimum of 8m from the eastern site boundary and 7m from the western site boundary. I consider that the siting of the dwelling on the site is acceptable and respects the building line established by existing dwellings to the east.
- 7.2.3. A mix of single storey and 2 storey dwellings are provided within the vicinity. The properties to the east front onto Chapel Lane road and comprise a 2 storey dwelling (at the junction of Chapel Lane and Chapel Road) and single storey bungalows (fronting Chapel Lane). I consider the principle of the proposed 2 storey height of the property to be acceptable at this location subject to residential amenity considerations.

## 7.3. Impact on Residential Amenity - Condition no. 2

- 7.3.1. The first party appeal requests the removal of Condition no. 2 of LCC's notification of decision to grant permission for the proposed development. Condition no. 2 outlines that:
- *The dwelling shall be single storey only and shall not contain residential use in the roofspace.*
- 7.3.2. The first party appeal outlines that Condition no. 2 restricts the development potential of the site and outlines that the proposed reduction of the height of the dwelling was not raised within the planning authority's request for further information. The appeal refers to the presence of 2 storey dwellings in the immediate vicinity of the site.
- 7.3.3. The planner's report which informs the decision of LCC to grant outline permission for the development sets out a rationale for the inclusion of Condition no. 2. The restriction on the height of the dwelling is imposed to prevent overlooking of the

adjoining dwelling to the east. The property in question is a single storey dwelling which fronts onto Chapel Lane. The footprint of the proposed dwelling, as amended in response to LCC's request for further information, is set back by 8m from the eastern site boundary in the vicinity of the property in question and is c.24m from the property. The eastern site boundary is currently defined by a mix of hedging and trees. The Revised Site Layout Plan (Drawing no. 56-21-2) includes proposals for additional landscaping along the eastern site boundary to accommodate a mix of Ash, Cherry, Hazel, Copper Beech, Rowan, Aldar, Holly and Silver Birch.

- 7.3.4. Having regard to the orientation of the dwelling, its set back from the eastern site boundary and adjoining existing dwelling and landscaping proposals I consider that there is limited potential for overlooking of the adjacent property. I consider that concerns relating to overlooking can be addressed by boundary treatment in accordance with the requirements of Condition no. 6 of Leitrim County Council's notification of decision to grant permission for the development. I recommend the omission of Condition no. 2 from the permission on this basis.

#### **7.4. Access**

- 7.4.1. Access to the site is proposed via Chapel Road to the south. Chapel Road runs in a straight alignment in the vicinity of the site and has a speed limit of 50km/ph. Sightlines of 60m are illustrated on the proposed site layout plan. At present there is no footpath provided along Church Road adjacent to the site boundary. A footpath is provided at the opposite side of Church Road. I see no obstructions to visibility and have no objection in principle to the provision of an access to serve the site and note that no objection to the access was raised by Leitrim County Council. Notwithstanding this, I do not consider that the access as proposed has regard to the provision of an additional access road to the west of the site. I consider that a revised location for the access is required having regard to the potential for a future access road on adjoining lands to the west. I also consider that a reservation for a footpath should be made along the southern site boundary. These points can be addressed via condition in the instance that the board is minded to grant permission.
- 7.4.2. The appeal site forms part of a larger landholding which is zoned for Primarily Residential (Undeveloped) purposes within the Leitrim County Development Plan. The first party appeal outlines that a wayleave of 3.5m is currently provided adjacent

to the western site boundary which facilitates access to the remaining undeveloped lands from Chapel Road. The application site boundary does not extend to include the access wayleave.

- 7.4.3. Leitrim County Council raised concern in relation to the restricted width of the future access to adjoining undeveloped lands within the request for further information. The planning authority requested a revised site layout plan which included provision of an access which is sufficient in width to accommodate both vehicular and pedestrian access. The applicant responded to the FI request with a revised site layout plan which included a reservation of 8m for an access road. The application site boundary was reduced to the west from 0.164ha to 0.140ha.
- 7.4.4. The first party appeal raises concern in relation to the increased width access road and its overall impact on the overall site area. On review of the application drawings, I consider that the provision of an 8m access road at this location would result in an overengineered access road for the likely nature of future development on the adjoining sites. I consider that the provision of a 5m reservation for a shared surface format access would be sufficient to accommodate a suitable access at this location. I recommend that this point is addressed via a suitably worded condition.

## 7.5. **Other**

### Site Services

- 7.5.1. The development includes a proposal to connect to existing water and foul water infrastructure in the vicinity of the site. I refer to the report on file from the Water Services Department which outlines that the site is located within a fully serviced area and the proposed site appears suitable for connection subject to agreement with Irish Water.

## 7.6. **Appropriate Assessment**

Having regard to the nature and scale of the development proposed and to the nature of the receiving environment and separation distance from the nearest designated site, no appropriate assessment issues arise and it is considered that the proposed development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European sites.

## 8.0 Recommendation

8.1. I recommend that outline permission for the proposed development be granted, subject to conditions as set out below.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Leitrim County Development Plan 2015-2021 (as varied and extended), to the location of the site in an established residential area, the zoning for residential purposes and to the nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	This outline permission relates solely to the principle of a 2-storey dwelling on this site and it shall not be construed as giving consent to the following matters:  (a) The overall site layout of the development.  Reason: In the interest of clarity.
2.	Plans and particulars to be lodged for permission consequent on this grant of outline permission shall include:  i. A detailed site layout and landscaping plan for the entire site.  ii. A Site Layout which accommodates a 5m wayleave to the west of the site to facilitate access to adjoining lands.  iii. Revised Access proposals which include relocation of the proposed site access from Church Road which has regard to the provision of a future access to west and provision of a reservation for a footpath along the southern site boundary.

	<ul style="list-style-type: none"> <li>iv. Proposals for the retention/reinforcement of existing boundary treatment.</li> <li>v. Proposals to protect the privacy and amenity of existing adjacent properties.</li> <li>vi. Design proposals which have regard to the design and character of the built environment in the vicinity.</li> <li>vii. Foul sewer connection details for the entire site.</li> </ul> <p>Reason: In the interest of clarity and to define the subject matter for consideration at permission consequent stage.</p>
3.	<p>Prior to the commencement of any development on site the developer shall obtain a Connection Agreement from Irish Water for the provision of water services necessary to enable the proposed development.</p> <p>Reason: In the interest of provision of a proper water supply.</p>
4.	<p>At the permission consequent stage, the developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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.</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</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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Stephanie Farrington  
Senior Planning Inspector

28<sup>th</sup> of July 2022