



An
Bord
Pleanála

Inspector's Report

ABP-314307-22

Development	Construction of two-storey extension to rear comprising kitchen on ground floor and shower room on first floor and associated site works.
Location	No. 27 Lord Edward Street , Sligo.
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	22187
Applicant(s)	Noel Keegan.
Type of Application	Permission.
Planning Authority Decision	To grant.
Type of Appeal	Third Party
Appellant(s)	Ann O'Grady.
Observer(s)	Alex Barber
Date of Site Inspection	4 th January 2023
Inspector	Deirdre MacGabhann

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1.0 Site Location and Description

1.1. The 0.005ha appeal site is situated in Sligo Town. It lies to the west of the town centre on Lord Edward Street (R292), west of its junction with the N4. The appeal site comprises no. 27 Lord Edward Street. It is one of nine two storey terraced residential properties that form the terrace. The terrace is situated south of Sligo Bus Station and Railway Station, with the bus stations' staff and bus car park directly north of the terrace and separated from it by a high stone wall. Small rear yards, to the terrace, face north. Some of the properties have extensions at ground floor to the rear. At the time of site inspection the appeal site was unoccupied and in a derelict state with a void over the ground floor and no rear wall (see photographs).

2.0 Proposed Development

2.1. The proposed development comprises the construction of a two storey, flat roof extension to the rear of the property, to include on the ground floor a living room and kitchen/dining area and on the first floor a bedroom and shower room (existing gross floor space 37.6sqm, proposed floorspace 12.86sqm). In plan the extension is stepped such that the rear wall at ground floor is 3.2m to the rear of the existing facade and c.1.3m at first floor. The parapet height of flat roof at first floor is approximately 1m below ridge height.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On the 19th July 2022 the PA decided to grant permission for the development subject to 5 no. conditions, development to be in accordance with plans and particulars, management of surface water, consultation with Irish Water, storm water management and traffic management during construction.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 14th July 2022 – Refers to the site, its location and planning history, relevant policies of the County Development Plan, submissions by third parties and internal reports. It screens the proposed development for EIA and AA and considers that these are not required (scale of development on a developed site). It assesses the merits of the development under a number of headings including principle, design, amenity space, overlooking and overshadowing, access, traffic safety and services. The report considers that the development is acceptable in all areas. With regard to sunlight and daylight it refers to:
 - Section 16.2.4 of the SEDP which states that in assessing development proposals the degree of overshadowing and loss of light to surrounding properties will be considered,
 - The government’s Guidelines on Sustainable Residential Development in Urban Areas and the methodology for assessing the impact of new development on rooms in adjoining dwellings where daylight is required. The report considers that the proposed extension meets the 45 degree angle requirement and that the development is in line with the guidelines.

The report recommends granting permission subject to conditions.

3.2.2. Other Technical Reports

- Area Engineer (30th June 2022) – Recommends a grant of permission subject to conditions.
- Water Services (1st July 2022) – Recommends conditions to maintain separation distances with Irish Water’s shared sewer located to the rear of the property.

3.3. Prescribed Bodies

- None.

3.4. Third Party Observations

- 3.4.1. There are two third party observations made by the occupants of nos. 26 and 28 Lord Edward Street. They state:

- Impact of any two storey extension on sunlight and daylight to properties.
- The extension would be out of character with other properties along the street (no extensions at first floor).

4.0 Planning History

- PA ref. 22/44 – Permission refused at the subject site for the construction of a two storey extension to rear comprising kitchen on ground floor and bedroom on first floor on the grounds that, by virtue of its height and depth, the development would seriously injure the residential amenities of the area (overbearing effect and overshadowing of adjoining dwellings). The proposed extension to rear, at first floor, extended to c3.m from existing rear façade (see file for plans).

5.0 Policy Context

5.1. National Policy

- 5.1.1. The Governments guidelines on Sustainable Residential Development in Urban Areas refer to daylight, sunlight and energy efficiency and in section 7.2 state:

‘Overshadowing will generally only cause problems where buildings of significant height are involved or where new buildings are located very close to adjoining buildings. Planning authorities should require that daylight and shadow projection diagrams be submitted in all such proposals. The recommendations of “Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice” (B.R.E. 1991) or B.S. 8206 “Lighting for Buildings, Part 2 1992: Code of Practice for Daylighting” should be followed in this regard’.

- 5.1.2. The BRE Guidelines provide a quick method to assess the impact of domestic extensions which adjoin the front or rear of a house on the house next door, using the ‘45°’ approach (section 2.2.14, see attachments).

5.2. Development Plan

- 5.2.1. The appeal site lies within the administrative area of the Sligo and Environs Development Plan 2010-2016 which has been incorporated into the current Sligo County Development Plan 2017-2023. The SEDP zones the appeal site 'C2 – Commercial and mixed land uses'. The objective of the zoning is to '*Promote the development of a mix of uses centred on retail, office space, high-density housing, high-amenity open space and compatible uses*'.
- 5.2.2. Section 16.2.4 of the SEDP states that in assessing all developments, the following factors will be considered:
- a. '*degree of overshadowing and loss of light to surrounding properties*;
 - b. '*degree of overlooking and consequent loss of privacy for adjoining properties*';
- 5.2.3. Section 13.4.6 of the CDP requires residential extensions to be designed to ensure that no overshadowing or overlooking of adjacent residential property occurs.

5.3. Natural Heritage Designations

- 5.3.1. The appeal site is c.300m to the west of Lough Gill pNHA and SAC (shared site code 001976) and c.300m south of Cummeen Strand/Drumcliff Bay (Sligo Bay) pNHA and SAC (shared site code 000627) and Cummeen Strand SPA (site code 004035)

5.4. EIA Screening

- 5.4.1. Having regard to the location of the development in an urban area, the residential nature of the proposed development, its modest scale, the absence of any significant environmental sensitivity in the vicinity and the absence of any 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

6.1.1. The third party appeal is made by the occupant of no. 28 Lord Edward Street.

Grounds of appeal are:

- Overshadowing of dwelling and loss of daylight.
- Overlooking and loss of light and privacy.
- Development out of character with existing (no other rear extensions) and would seriously injure the residential and visual amenities of the adjoining sites.
- Board should limit the extension to single storey.

6.2. Applicant Response

6.2.1. The applicant makes the following response to the appeal:

- The proposal is to provide a 10.15sqm extension to No. 27 Lord Edward Street, leaving a 9.5sqm external amenity space at ground floor. Shower room at first floor is kept to a minimum with a 45 degree approach so as not to diminish light to neighbouring windows.
- All other houses in the terrace have single storey extensions which practically cover the entire site leaving no amenity space/practically useless space. The provision of amenity space at ground floor is beneficial to the property.

6.3. Planning Authority Response

6.3.1. The PA response (dated 1st September 2022) refers the Board to the Planner's report and other reports made in the assessment of the application and considers that the appellant has not submitted any additional information as part of the appeal to alter the PAs decision.

6.4. Observations

6.4.1. An observation on the appeal is made by the occupant of no. 26 Lord Edward Street. It states:

- The row of houses on Lord Edward Street were built by the O'Connor Mulhall Estate in c.1880 for their workers. The houses are unique in Sligo and are artisan dwellings. The two storey extension is out of character and will damage the built heritage of the houses.
- Development would be the only two storey extension in the street and will greatly reduce light to observers dwelling, overlook and overshadow it.

6.5. Further Responses

- None.

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, I consider that the main issues in this appeal relate to:

- Impact on character of terrace.
- Overshadowing and loss of sunlight.
- Overlooking and loss of privacy.

7.2. Impact on Character of Terrace

7.2.1. The appeal site forms part of an existing short terrace of residential dwellings. From historic OSi mapping it is evident that the terrace is longstanding, however, it is not identified in the County Development Plan as a protected structure.

7.2.2. From inspection of the appeal site and information on file, it is evident that to the rear many of the properties in the terrace have ground floor extensions, some of which extent to the northern boundary wall of the terrace. The proposed development differs from the existing alterations to the rear, in that it extends to the first floor,

pushing the rear wall of the extension by c.1.3m beyond the existing building line and into the roof space.

- 7.2.3. I would acknowledge therefore that this extension will change the appearance and traditional character of the northern elevation of the terrace. However, from the public domain there are limited views of the rear of the terrace and the proposed extension is a modest intervention, with little depth (c.1.3m) and no impact on the ridge line of the terrace (parapet height is c.1m below ridge). The proposed extension, at first floor, therefore, would not be overly visible from the public domain nor dominant in views of the terrace. Further, the modest extension would secure the renovation of the property and provide more practical living space.
- 7.2.4. I am satisfied therefore that the proposed extension would not seriously detract from the character of the terrace or the visual amenity of the area.

7.3. Overshadowing and Loss of Sunlight

- 7.3.1. The appeal site, and other properties in the terrace, face north west. Rear yards are typically short and ground floor extensions are in place for many of the properties taking up much if not all of the rear yard area (see photograph provided by appellant).
- 7.3.2. Currently there is no extension to the rear of the appeal site and it is separated from the properties to the east and west by a high stone wall (see photograph from appellant). The ground floor extension would be consistent with existing extensions with little potential for significant overshadowing or substantial effects on sunlight/daylight to adjoining properties (i.e. little greater effect than existing stone walls separating the properties). Further, the extension does not extend to the rear boundary wall, with a small area of private amenity space provided to the rear of the property.
- 7.3.3. The first floor extension extends across the width of the property for a depth of c.1.3m. If a 45° angle is drawn in both plan and elevation from the corner of the proposed first floor extension (Figure 17), the centre of the adjoining windows in the rear elevation to the east and west, do not fall within the 45° angle, indicating that the proposed extension is unlikely to block a significant amount of light to these windows. Having regard to the foregoing, I am satisfied therefore that the proposed

extension will not give rise to significant loss of sunlight/daylight to adjoining dwellings.

- 7.3.4. The proposed first floor extension is unlikely to give rise to overshadowing of adjoining properties by virtue of its scale, form and location to the rear and north of the existing terrace. For example, with the main terrace having an overshadowing effect on rear yards in morning sun and the narrow depth of the first floor extension having a limited shadow in evening sun.

7.4. Overlooking and Loss of Privacy

- 7.4.1. Windows in the proposed ground and first floor extension face north west and the existing rear wall of the appeal site, with no direct views of either property to the east or west of the site. Further, the proposed first floor window is quite narrow in width (800mm) which would preclude substantial oblique views. Notwithstanding this, risk of overlooking can be further reduced by opaque glazing.
- 7.4.2. Having regard to the foregoing, I am satisfied that the proposed development would not give rise to overlooking or loss of privacy.

8.0 Appropriate Assessment

- 8.1. Having regard to the nature and modest scale of the proposed development situated in an established urban area and connected to existing services and its location substantially removed from European sites, 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.

9.0 Recommendation

- 9.1. I recommend that permission for the proposed development be granted, subject to conditions.

10.0 Reasons and Considerations

Having regard to the limited views of the appeal site from the public domain, the orientation of the terrace and modest nature of the proposed development situated to the rear of the terrace, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously detract from the visual or residential amenity of the area and would not give rise to overlooking or overshadowing or significant loss of sunlight or daylight. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as otherwise may 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The glazing to the first floor bathroom window (rear elevation) shall be opaque.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services. No surface water from the development shall discharge to the public road.</p> <p>Reason: In the interest of traffic safety.</p>
4.	<p>Prior to the commencement of development, the developer shall enter into water and/or wastewater connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>

5.	<p>Prior to the commencement of development, a Traffic Management Plan shall be submitted to the planning authority for written agreement to apply for the duration of construction work. This shall include arrangements for the management of pedestrians, movement of materials and plant to and from the site and parking during construction.</p> <p>Reason: In the interest of orderly development, traffic and pedestrian safety.</p>
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Deirdre MacGabhann
Planning Inspector

16th January 2023