



An
Bord
Pleanála

Inspector's Report

ABP-315895-23

Development	Construction of 3 family pods, a detached recreational building together with all associated site works, including connections to existing drainage system and watermain.
Location	Ciuin House, The Paddocks Lisnabrack, Carrick-on-Shannon, Co. Leitrim
Planning Authority	Leitrim County Council
Planning Authority Reg. Ref.	21275
Applicant	Gowna Hospitality T/A 'Heartlands'
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant	Colm Spellman
Observer(s)	None

Date of Site Inspection

3rd May 2023

Inspector

Ian Campbell

1.0 Site Location and Description

- 1.1. The appeal site has a stated site area of 0.22 Ha. and is located at 'Ciuin House', The Paddocks, c. 0.8 km north of the centre of Carrick-on-Shannon, Co. Leitrim.
- 1.2. The appeal site is irregular in shape and accommodates a detached two-storey, 12 bed guesthouse (stated floor area 285 sqm). Car parking is located to the rear/east of the appeal site. The northern part of the appeal site comprise an angular shaped area (where the proposed development is to be situated). This area appears to be used for general recreation and storage associated with the guesthouse. There are a number of shed structures within this area. Site boundaries comprise c. 2 metre high timber fencing (to The Paddocks) and boundary walls (to the property to the south and east). There is a watercourse to the north of the appeal site. An open drain is indicated on the opposite side of the eastern site boundary.
- 1.3. The Paddocks housing development is located to the west and north-west of the appeal site. The rear gardens of no. 12-21 The Paddocks back onto the appeal site. A detached house is located to the south of the appeal site. The lands to the east of the appeal site appear to be in agricultural use.

2.0 Proposed Development

- 2.1. The proposed development (as initially proposed) comprised the construction of;
 - A detached two-storey structure on the eastern part of the site, containing 3 no. 'family pods'. The building had a mono-pitch roof with a maximum ridge height of c. 6.3 metres. Material finishes to the building comprised corrugated metal (grey colour) and timber cladding.
 - A detached single storey structure on the western part of the site accommodating - a recreation room, games room, sensory room, administration office and hot hub area. Material finishes to the building comprised corrugated metal (grey colour) and timber cladding. The building had a flat roof with ridge height of c. 3.3 metres and was positioned flush with the south-western site boundary and 0.5 metres off the western site boundary.

- 17 no. car parking spaces (i.e. 12 no. for the existing B&B, 3 no. for the proposed family pods and 2 no. for the owners).
- Sensory garden.
- Associated site works.
- Total floor area 373 sqm.

The cover letter submitted with the planning application stated that the proposal is intended to provide holiday accommodation for persons with disabilities and children with special needs. The cover letter notes that many of the guests will be dropped off by specialist bus transport.

2.2. Following a request for Further Information the proposal was amended to comprise the construction of;

- A detached single storey structure (referred to as 'Family Pod 01 & 02') on the eastern part of the site containing 2 no. 'family pods'. The building has a pitch roof with a maximum ridge height of c. 4.5 metres (material finishes remain unchanged). This building has a stated floor area of 150.5 sqm.
- A single storey detached structure (referred to as 'Games Room/Pod 03') on the western part of the site accommodating 1 no. 'family pod' and a games room. The building has a flat roof with a ridge height of 3.5 metres (material finishes remain unchanged). The footprint of the building has been reconfigured. The building is positioned c. 0.5 metres from the western site boundary and c. 0.2 metres from the south-western site boundary. This building has a stated floor area of c. 144 sqm.
- 17 no. car parking spaces (i.e. 14 no. for the existing B&B and 3 no. for the proposed family pods).
- Associated site works.
- Total floor area of revised proposal c. 295 sqm.

3.0 Planning Authority Decision

3.1. Request for Further Information

Prior to the decision of the Planning Authority to GRANT permission for the proposed development, the Planning Authority requested Further Information.

3.1.1. Further Information was requested on the 24th February 2022 as follows:

Item 1 – address potential amenity impacts arising from the proximity of the proposed recreational building to The Paddocks, in relation to noise and disturbance.

Item 2 – submit design statement and confirm how accessibility has been addressed.

Item 3 – re-design family pods eliminating all overlooking and residential amenity issues.

Item 4 - provide rationale for the proposal, an operational plan, and full details as to how the proposed development interconnects, if at all, with the existing B & B.

Item 5 – confirm whether the pods are for long-term or short-term letting and the interconnection with the recreational area.

Item 6 - submit drawings of the existing B&B providing details on how it relates to the proposed development.

Item 7 – submit parking schedule in compliance with the Carrick-on-Shannon LAP.

Item 8 - submit a rationale for the inclusion of a kitchen facility in one of the pods and not in the other 2 no. pods.

Item 9 - submit cross sections through the site.

Item 10 - engage with Irish Water regarding the condition of the sewer and the upgrading of a defective section and submit a wastewater layout plan.

Item 11 - confirm what management, office and staffing facilities are available for the proposal.

Item 12 – provide comment on third party observations.

3.1.2. Further Information submitted on the 22nd November 2022 as follows:

Item 1 – the proposal was revised (see paragraph 2.2. above). A shadow study was submitted in relation to the proposal as revised.

Item 2 – a design statement was submitted setting out the context/justification for the proposal and the rationale for the proposed building form/design.

Item 3 – the family pods were redesigned to address the potential for overlooking, specifically the building located on the eastern part of the site was reduced to single storey.

Item 4 – *Drawing no. 10119-301 Rev B* indicates the proposal in the context of the wider development on the site.

Item 5 – the applicant confirmed that the pods are for short-term letting (less than 90 days).

Item 6 – details of the existing B&B/guesthouse provided. The proposal will cater for guests with special care requirements and their families.

Item 7 – parking will be based per pod and not per room. On occasion a mini-bus may be parked on the premises. Most guests will be dropped off by special transport. 17 no. car parking spaces are proposed, 3 no. of which are intended to serve the pods. Demand for car parking is anticipated as being less than a typical B&B.

Item 8 – guests will have access to the existing restaurant in the B&B. A small kitchen is now provided to all pods.

Item 9 - cross sections through the site submitted (see *Drawing no. 10119-301*).

Item 10 – a pre-connection enquiry was submitted to Irish Water however no response has been received.

Item 11 – the proposal is an extension to the existing facility and management of the facility will be from the B&B.

Item 12 – no specific response provided regarding the content of third party observations. The response to Item 1 however addresses a number of residential amenity issues.

3.2. **Decision**

The Planning Authority issued a Notification of Decision to GRANT Permission on the 26th January 2023 subject to 13 no. conditions. The following conditions are pertinent;

C3 - requires that the family pods be used for short-term letting with a maximum stay of 3 months at any one time, and that they shall not be sold independently of the main unit on the site.

C5 – no advertising shall be erected on the site or structure.

C12 – Construction Management Plan to be submitted.

3.3. Planning Authority Reports

3.3.1. Planning Reports

The first report of the Planning Officer generally reflects the request for Further Information and also includes the following comments;

- The principle of the proposed development is acceptable.
- The absence of a set-back between the proposed recreation building and the rear site boundaries of houses within The Paddocks is unacceptable and the proposal may be considered overdevelopment. No. 19 The Paddocks is c. 3 metres from the proposed recreation building.

Further Information Recommended

3.3.2. The second report of the Planning Officer includes the following comments;

- The proposal is an intensification of an existing permitted use.
- Concerns raised by third parties in relation to flood risk and impact on services are considered to be minimal having regard to the existing nature of the use on the site.
- The proposed family pod has been reduced from 2 stories to a single storey structure with potential impacts on the residential amenity of third parties significantly reduced.
- The shadow assessment indicates overshadowing from 8am to 11am in June and 1pm to 3pm in winter, however, having regard to the extent of overshadowing, the ridge height proposed for the games room and the height of the existing boundary fence, the level of overshadowing is considered to be acceptable for an urban setting.

- The location of the proposed games room is acceptable having regard to the impact its relocation would have on a disabled parking space.
- A condition requiring the submission of a Construction Management Plan will address construction related impacts.

3.3.3. Other Technical Reports

Environmental Health Officer (EHO) – notes requirement for Construction Management Plan, dust control measures, measures to prevent contamination of surface and ground water, and pest control measures.

Water Services Section – report identifies sub-standard wastewater network in vicinity.

Fire Officer – notes technical requirements.

National Roads Design Office – notes that site is outside N4 Carrick-on-Shannon to Dromod Project.

District Engineer – standard conditions recommended regarding drainage.

Reports were received from the Water Services Section and the EHO following the submission of Further Information both noting no further comment.

3.4. Prescribed Bodies

None received.

3.5. Third Party Observations

The report of the Planning Officer summarises the issues raised in third party observations. The report also provides a summary of the submissions made in relation to the applicant's Further Information¹ response. The issues are as follows;

- Impact on amenity arising from overlooking, overshadowing, loss of privacy and inadequate boundary proposals.

¹ The Further Information submitted by the applicant on the 22nd November 2022 was deemed significant by the Planning Authority in accordance with Article 35 of the Planning and Development Regulations, 2001, as amended.

- Proposal is overdevelopment/out of scale.
- Construction related impacts.
- Concerns regarding increased traffic, lack of car parking, and adequacy of pedestrian access.
- Loss of habitat.
- Flooding.
- Impact on services (sewerage etc.)
- Ground subsidence.

4.0 Planning History

Appeal Site:

PA. Ref. 22/116 – Retention permission GRANTED for (a) works to footpath and driveway to improve access, (b) 2m high screen wall enclosing a patio to the rear of the building, (c) replacement of a canopy that extends between the existing plant room and existing shed, and (d) the installation of a metal clad shed measuring 5m x 8m for the temporary storage of furniture and equipment.

PA. Ref. 07/492 – Retention permission GRANTED for restaurant at ground floor level and additional car parking.

PA. Ref. 05/540 – Retention permission GRANTED for second floor bedrooms, external alterations and storage shed.

PA. Ref. 02/167 – Permission GRANTED for 2 no. semi-detached, two storey houses, 1 no. two storey detached house and B&B breakfast building, entrances, parking and landscaping.

5.0 Policy Context

5.1. Development Plan

5.1.1. The proposed development was considered by the Planning Authority under the Leitrim County Development Plan 2015-2021 however the Leitrim County

Development Plan 2023-2029 came into effect on the 21st March 2023 and is now the relevant development plan.

5.1.2. The appeal site is not zoned under the Leitrim County Development Plan 2023-2029.

5.1.3. The provisions of the Leitrim County Development Plan 2023-2029 relevant to this assessment are as follows:

- Tour Inf Pol 1
- Tour Inf Pol 4
- Tour Inf Pol 6
- Tour Inf Obj 2
- Tour Inf Obj 5
- Table 13.6 (Car and Cycle Parking Standards)

5.1.4. The Carrick-on-Shannon Joint Local Area Plan 2024 – 2030 is currently at pre-draft stage.

5.2. **Natural Heritage Designations**

The appeal site is not located within or close to any European Site.

5.3. **EIA Screening**

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended) and therefore is not subject to EIA requirements.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

This is a third-party appeal by Colm Spellman against the decision of Leitrim County Council to grant permission for the proposed development. The grounds of appeal can be summarised as follows:

- The area has a high water table and is prone to flooding (medium to high risk)².
- Development would not be in the interests of pollution control.
- Attenuation has not been demonstrated on the site.
- The waste water system in the area is overloaded and subject to ongoing malfunctions. Irish Water have not authorised the proposal to connect into the sewer system.
- Private open space is not provided within the development.
- A minimum separation distance of 22 metres should be provided between directly opposing first floor windows.
- Car parking is inadequate. The proposal has a requirement for 23 no. car parking spaces based on the Leitrim CDP 2015-2021/Carrick-on-Shannon LAP, including a disabled space. No provision is made for loading bays and set-down areas. The layout of the road is deficient. No allowance has been made for turning bays or deliveries.
- The proposal will impact the appellant's property (no. 19 The Paddocks) in terms of overlooking/loss of privacy and overshadowing.
- The proposal will undermine the appellant's boundary fence. No party wall agreement has been sought. Foundations of the proposal could affect the appellant's fence and garden.
- Concerns regarding construction related impacts, noise, dust, rodents etc.
- The proposal will generate additional traffic which will use the same entrance as no. 19-21 The Paddocks and could result in an obstruction to other road users at this location.
- The proposal will devalue the appellant's property.

6.2. Applicant Response

The applicant's response can be summarised as follows:

² Extract from OPW Flood Maps included in appeal submission.

- Permeable surfacing will be used to assist with the disposal of surface water. The proposal will result in an increase of only 252 sqm of roof area.
- The proposal will only require an upgrade of an existing foul sewer connection. A pre-Connection Enquiry has been made to Irish Water.
- The proposal has no open space requirements, being for short-term letting.
- Car parking for the pods is based on 1 space per unit, and not 1 space per room, as is the case for a guesthouse. The proposal complies with the Draft Leitrim CDP 2023-2029 in relation to car and cycle parking provision. Most guests will be dropped off by specialist transport and therefore the car parking requirement is less than that of a typical guesthouse. When a mini-bus is used it will be parked on the premises. 2 no. disabled car parking spaces are proposed, in excess of the standards set out in Building for Everyone, published by the National Disabilities Authority.
- Deliveries will be infrequent and will use the loading bay area. The proposal will not generate traffic issues for neighbours or guests. An increase of 3 no. cars will not cause any adverse impact to the access. The existing guesthouse has been operating for 15 years without any reported issues.
- The revised proposal addresses overlooking with the first floor of the family pods omitted. All outdoor activities are now internalised to avoid noise to neighbours. The proposal will serve people with disabilities and their families. Loud music will not be generated by the proposal and the proposal will not serve functions.
- A temporary 2 metre Heras fence will be erected to any exposed boundary to ensure damage does not occur to neighbouring property.
- Environmental noise will be controlled to the requirements of *BS 5228-1:2009 Code of Practice for Noise and Vibration on Construction and Open Sites – Part 1 Noise*. Work will be confined to daylight hours. There will be no deliveries before 8am or after 6pm Monday to Friday, and 8am and 1pm on Saturdays. Existing lorry movements will be monitored and cleaning arranged if necessary.
- The appellant's house is c. 3.3 metres from the proposed games room/pod. The games room/pod is c. 0.7 metres higher than the existing boundary fence. The

shadow study submitted indicted no overshadowing to the appellant's property at any time of the year as the rear garden of this property is located south of the proposed family pods. There are no openings which could overlook or cause noise to the appellant's property.

- The proposed development is supported by the objectives of the Leitrim County Development Plan in relation to the provision of tourist accommodation.

6.3. Planning Authority Response

The Planning Authorities response to the third party appeal can be summarised as follows:

- Re. Flooding - The subject site is not located within either 10% AEP Fluvial Flood or the 1% AEP Fluvial Flood, with only a sliver along the west roadside boundary and towards the south-west corner falling within the 0.1% AEP Fluvial Flood Extent. The subject site is surrounded but does not fall within the Flood Zone. Section 5.28 of the Planning System and Flood Risk Management Guidelines for Planning Authorities, November 2009, states that *'applications for minor development, such as small extensions to houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues'*. The Planning Authority is satisfied that the proposed development complies with this and will not give rise to flooding elsewhere.
- Re. Foul Sewer - Water services in this estate were taken in charge by Leitrim County Council prior to 2014 and transferred to Irish Water on 1st January 2014. Irish Water are aware of the existing issue with the foul sewer and are committed to fixing it by relaying the section which has subsided. Permission could be granted as the existing guest house building is connected to and is served by the public sewer network in this estate. This development will not require a new connection to the public sewer and the existing connection will suffice for the proposed development. The additional sewerage load to the sewer from the proposal is not significant and will not exacerbate the existing issues with the foul sewer. Irish Water are aware of the condition of this sewer and are committed to upgrading the defective section in due course.

- Re. Open Space - The proposal does not give rise to a requirement for private amenity space and the standards quoted by the appellant would not apply.
- Re. Parking - The proposed development is somewhat different being a guesthouse marketed towards persons with disabilities and as such the parking demands and requirements are not standard in this instance. Noting the nature of the existing development and the anticipated end user, it is considered that a case has been made in this instance to allow a relaxation of the parking standards.
- Re. Road Layout - The standards referred by the appellant relate to long term residential development, whereas the proposal, consisting of a commercial short-term stay tourist guesthouse together with the proposal are different uses. The capacity of existing roads to absorb future development is not required for a backland site associated with a small scale commercial use. The standards to be applied are different in this case and are achieved.
- Re. Residential Amenity - Significant amendments have been proposed for the family pod element, with a single storey structure now proposed, thereby addressing the impact on residential amenity from this element. No issues of overlooking or overshadowing arise from this element. With regard to the games room structure, there will be negligible impact on residential amenity by way of overshadowing. Whilst the proposed games room structure abuts the party boundary no significant issues are anticipated to arise with this. While the games room structure could be set back from the shared party boundary, any of the gains achieved from an offset would be marginal and a gap would result in an unmanaged space. Furthermore, this would result in an encroachment on the adjacent disability parking space. Concerns raised relating to damage to the fence can be controlled by condition.
- Re. Impact on Private Lands – This issue can be controlled by condition by way of a Construction Management Plan.
- Re. Construction Impacts - Noise, dust and disturbance occurs with the construction of any development however this is temporary in nature and given the nature of the proposal such impacts are considered to be limited.

- Re. Impact on Private Amenity Space – Third party space will not be reduced or encroached in any way. The proposed development remains entirely within the red line subject site boundary.
- Re. Access and Traffic - The shared access arrangement together with the access lane is already sufficient to cater for existing traffic movements and also for any additional traffic movements that may arise from this proposal. The additional number of anticipated traffic movements from future guests using the new extension will be limited. The new development is marketed to very small family groups where it is assumed that they will arrive in one vehicle. The District Engineer has raised no objections/concerns in relation to traffic and access. No specific traffic hazard exists.
- Re. Devaluation - The proposal will not devalue property, or seriously injure the amenities of the area.

6.4. **Observations**

None received.

6.5. **Further Responses**

A further response was received from the Planning Authority. The Planning Authority state that they are satisfied with their response to the Board on this issues raised, and that although the Leitrim County Development Plan 2015-2023 has been replaced with the recently adopted Leitrim County Development Plan, the Carrick-on-Shannon Local Area Plan 2010-2019 remains unchanged, and that therefore, having regard to the Carrick-on-Shannon Local Area Plan 2010-2019 and its policies and objectives stated therein, the Planning Authority is satisfied that the development would not seriously injure the amenities of the area and is in accordance with the proper planning and sustainable development of the area.

7.0 **Assessment**

7.1. I consider the main issues in the assessment of this appeal are as follows:

- Extent of Development.

- Principle of Development.
- Impact on Residential Amenity.
- Access & Car Parking.
- Flooding.
- Drainage.
- Other Issues.
- Appropriate Assessment.

7.2. Extent of Development

- 7.2.1. Following a request for Further Information the proposed development was amended, specifically the building on the eastern part of the site was reduced from two stories to a single storey building and the sensory garden was omitted. I intend to assess the proposed development as amended following the Planning Authorities request for Further Information, i.e. on the basis of the plans and particulars submitted to the Planning Authority on the 22nd November 2022.

7.3. Principle of Development

- 7.3.1. The Carrick-on-Shannon LAP 2010-2019 which provided land-use zonings for Carrick-on-Shannon has expired and the appeal site is not zoned under the Leitrim County Development Plan 2023-2029. The proposed development comprises an extension to an existing permitted development, that being a guesthouse within an urban area. On this basis I consider the principle of the proposed development to be acceptable.

7.4. Impact on Residential Amenity

- 7.4.1. The appellant contends that the proposed development will negatively impact the residential amenity of his property, no. 19 The Paddocks, in terms of overlooking, loss of privacy and overshadowing. I will address each in turn.
- 7.4.2. Overlooking/loss of privacy: Following a request for Further Information the first floor of the previously proposed two storey building on the eastern part of the appeal site was omitted. I note that the building on the western part of the appeal site (referred to

as 'games room/pod 03') is not served by any openings on its western or south-western elevations. Having regard to the single storey nature of the building on the eastern part of the appeal site ('Family Pod 01 & 02) and to the design of the games room/pod 03, I am satisfied that the proposed development does not result in any potential overlooking of the appellant's property, or of any adjacent property in the vicinity, or any significant impacts on the level of privacy currently enjoyed by these properties. The appellant refers to the requirement for a minimum separation distance of 22 metres between opposing first floor windows serving habitable rooms and 2.5 metres between dwellings, and states that this has not been provided for within the scheme. I note that the proposal, as amended, does not entail opposing first floor windows or a proposal for a dwelling(s). Additionally, the policy referred to was contained in the Carrick-on-Shannon LAP 2010 - 2019 which has expired.

7.4.3. Overshadowing: The 'games room/pod 03' has a height of 3.5 metres. A 2.2 metre high timber boundary fence forms the boundary to the west and south-west of this building, separating the appeal site from the appellant's property, and the houses within The Paddock³. This existing boundary results in a degree of overshadowing of the rear gardens of 17 and 18 The Paddocks. At the closest point the 'games room/pod 03' is c. 2.5 metres from the appellant's property. No. 19 The Paddocks and its rear garden are orientated south-west and south respectively of the 'games room/pod 03' and having regard to the path of the sun I do not consider that the proposal will result in any significant overshadowing of the appellant's property.

7.4.4. The first party submitted a shadow analysis for the proposal in response to the Planning Authorities request for Further Information. Having reviewed the shadow analysis submitted I do not consider that this study is sufficiently comprehensive either in terms of periods of the year or times of the day, being limited to June and December, and c. 8am to 11am in June. Additionally the shadow analysis does not indicate the existing situation with regard to overshadowing. Notwithstanding the extent of information contained in the shadow analysis, based on the design, height and location of the proposed buildings relative to the appellant's property, and to the other properties within The Paddocks, and noting the height of the existing boundary fence

³ The difference between the height of the 'games room/pod 03' building and the boundary fence is 1.3 metres, and not 0.7 metres as stated in the documentation submitted by the first party.

at this interface, I am satisfied that the proposed development will not result in significant overshadowing of adjacent property.

- 7.4.5. Following the Planning Authorities request for Further Information the sensory garden was omitted from the proposal, resulting in all recreational activities now being located inside the 'games room/pod 03'. I am satisfied that the proposed development would not result in any significant adverse impacts on the amenity of the appellant's property or adjacent property arising from noise in connection with the use of the proposal.

7.5. Access & Car Parking

- 7.5.1. The appellant raises concerns in relation to the level of traffic which the proposal will generate; traffic movements in the vicinity of the entrance to the appeal site (which also provides access to no. 19-21 The Paddocks); the adequacy of car parking provision; and the degree to which provision has been made within the proposal for deliveries and set-downs.
- 7.5.2. The proposal entails a relatively minor extension to an existing guesthouse and would not in my opinion represent a significant intensification relative to the existing use on the site. I am satisfied that the proposal provides adequate area for turning, deliveries and set-downs to the front and side of the site, and that vehicles undertaking deliveries and guests accessing the guesthouse would not cause a significant obstruction to other road users, including the residents of no. 19-21 The Paddocks.
- 7.5.3. Having reviewed the site layout I have concerns in relation to the provision of the 3 no. car parking spaces to the rear of the site, specifically car parking spaces 13 and 14 and the disabled space adjacent to the 'games room/pod 03'. I note that the access to the rear of the site is partially obstructed by bicycle parking. In addition, I note that the circulation area between both proposed buildings is restricted and would involve vehicles making reverse manoeuvres in an area where guests would be using, resulting in potential pedestrian vehicular conflicts. I consider that the 3 no. car parking spaces between the proposed buildings should be omitted. Table 13.6 of the Leitrim County Development Plan 2023-2029 provides car parking standards for various land uses. The relevant standard for guesthouses is 1 no. space per bedroom. I concur

with the first party that car parking requirements for the proposal are not typical, with families sharing pods and arriving/departing by specialist transport. I also note that the standards in Table 13.6 are maximum standards, as distinct from minimum standards or norms and therefore I consider the provision of 14 no. car parking spaces to serve the entire development on the site acceptable given the nature of the proposal and its location in proximity to the centre of Carrick-on-Shannon. Should the Board be minded to grant permission for the proposed development I recommend that car parking spaces 13, 14 and the disabled space adjacent to the 'games room/pod 03' building are omitted.

7.6. Flooding

- 7.6.1. The appellant states that the site has a high water table and is prone to flooding. I have reviewed the information available on Floodinfo.ie and the associated flood maps for the area in the vicinity of the appeal site. With the exception of a small area along the easternmost boundary of the appeal site (1% AEP Fluvial Flood Extent) and a small area at the entrance/south-west of the site (0.1% AEP Fluvial Flood Extent) I note that the appeal site is located outside the 0.1%, 1% and 10% AEP Fluvial Flood Extent. Section 5.28 of the Planning System and Flood Risk Management Guidelines for Planning Authorities, November 2009, is relevant in this regard and provides that *'applications for minor development, such as small extensions to houses, and most changes of use of existing buildings and or extensions and additions to existing commercial and industrial enterprises, are unlikely to raise significant flooding issues unless they obstruct important flow paths, introduce a significant additional number of people into flood risk areas or entail the storage of hazardous substances'*. It is unlikely that the proposal will affect flow paths, and the proposal is limited in terms of the number of people using the site and does not entail the storage of hazardous substances. Furthermore, noting the nature and scale of the proposal, and the limited extent of the site which is indicated as being affected by flooding I do not consider the preparation of a Flood Risk Assessment necessary in this instance. Having regard to the flood extents indicated on Floodinfo.ie and to the location of the appeal site relative to same I am satisfied that the proposed development is not significantly affected by flooding, complies with the aforementioned Guidelines and would not give rise to flooding elsewhere.

7.7. Drainage

7.7.1. Foul Sewer – The condition of the foul sewer network in the vicinity of the appeal site is raised by the appellant. Issues in relation to the foul sewer network in the area are outlined in the report of the Water Services Section (dated 7th January 2022), specifically, substandard construction of the gravity network in The Paddocks has resulted in its subsidence and backing up within the estate, with wastewater having to be decanted from manholes to a pumping station. In their response to the appeal the Planning Authority note that Irish Water (now Uisce Éireann) intend to relay the section which has subsided, that the existing connection will suffice for the proposed development and that the additional loading from the proposal is not deemed significant and will not exacerbate the existing issues with the foul sewer. Having regard to localised nature of the issue, Uisce Éireann's commitment to rectifying the issue, and importantly to the fact that the additional loading from the proposal will be minimal and will not exacerbate the issue I consider the proposal to be acceptable in this regard.

7.7.2. Surface water – *Drawing no. 10119-301 (Rev B)* indicates 'proposed surface water drain to existing open drain', at a location along the eastern boundary of the appeal site. The drain referred to is located outside the red line boundary of the appeal site. Elsewhere in the first parties appeal submission it is stated that permeable surfacing will be used to assist with the disposal of surface water on the site. I have concerns in relation to the proposal to discharge run-off from the site to an adjacent drain, primarily on the basis that it could potentially result in the release of contaminated run-off from the appeal site entering the aquatic environment. Should the Board grant permission for the proposed development I recommend that a condition is attached requiring the applicant to agree details of SuDS measures and drainage calculations for the site with the Planning Authority prior to commencement of development, and that run-off from the appeal site shall not be discharged to the drain to the east of the site.

7.8. Other Issues

7.8.1. Devaluation - The appellant contends that the proposed development would result in the devaluation of his property and could affect his ability to sell the property. Having regard to the assessment and conclusions set out above, I am satisfied that the

proposed development would not seriously injure the amenities of No. 19 The Paddocks or property in the vicinity to such an extent that would adversely affect the value of property.

7.8.2. Impact on Boundary - The appellant raises concerns in relation to the potential for the proposed development to result in damage to his property noting the proximity of the proposal to his boundary and garden. I note that the 'games room/pod 03' is positioned 0.5 metres from the western site boundary and c. 0.2 metres from the south-western site boundary. I note that the proposed development is to be constructed within the confines of the appeal site and that developments are commonly constructed with nil distance to party boundaries. Additionally, the first party proposes to use Heras fencing at locations where boundaries are exposed. I consider that works to, or affecting a party boundary are civil issues, to be resolved between the applicant and appellant having regard to the provisions of Section 34 (13) of the Planning and Development Act, 2000, as amended, and as such considerations of this nature are outside the scope of this appeal.

7.8.3. Open Space – The appellant states that the proposal is not served by open space. Having regard to the nature of the proposal, that being short-term guest accommodation in the form of an extension to an existing guesthouse I am satisfied that the provision of private amenity space is not required.

7.8.4. Construction Impacts – The appellant raises concerns in relation to construction related impacts, dust, noise etc. arising from the proposed development and the impact of same on his amenity, and on the amenity of the wider area. Noting the location of the appeal site within an urban area it is inevitable that some impacts will arise in the immediate vicinity during the construction phase of the proposal. However, having regard to the nature and extent of the proposed development such impacts will likely be minor in nature and short lived in duration and as such I am satisfied that the constructed impacts from the proposed development will be within the range of acceptability and will not result in significant negative impacts on the amenity of adjacent property. I note that Condition no. 12 of the Planning Authorities Notification of Decision required the submission of a Construction Management Plan to be agreed with the Planning Authority prior to commencement of development. Should the Board

be minded to grant permission for the proposed development I recommend that a condition requiring the submission of a Construction Management Plan to the Planning Authority is attached.

7.9. **Appropriate Assessment**

- 7.9.1. Having regard to the nature and limited scale of the proposed development, to the existing developed and serviced nature of the site and the lack of a hydrological or other pathway between the site and European sites, it is considered that no Appropriate Assessment issues arise and that the proposed development would not be likely to have a significant effect either individually or in combination with other plans or projects on any European site.

8.0 **Recommendation**

- 8.1. Having regard to the above it is recommended that permission is granted based on the following reasons and considerations and subject to the attached conditions.

9.0 **Reasons and Considerations**

- 9.1. Having regard to the prevailing pattern and character of existing development in the vicinity and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential of the area or of property in the vicinity, would not result in flooding and would not represent a traffic hazard. 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 the plans and particulars submitted to the 22 nd November 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
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	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The use of the family pods shall be restricted to short-term let only, with a maximum stay of 3 months at any one time.</p> <p>Reason: In the interest of clarity.</p>
3.	<p>Car parking spaces 13 and 14 and the disabled car parking space adjacent to the 'games room/pod 03' shall be omitted.</p> <p>Reason: In the interests of traffic safety.</p>
4.	<p>Prior to commencement of development the applicant shall submit to the Planning Authority for its written agreement, details providing for the incorporation of Sustainable Urban Drainage Systems (SuDs) into the proposed development, including calculations as necessary. Surface water from the site shall not discharge to the open drain east of the site. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
5.	<p>No additional signage shall be placed/erected on the main guesthouse building, or within the site without a prior grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<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. Deviation from these times will only be allowed in exceptional 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>

7.	<p>Construction 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 working, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
8.	<p>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.</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>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Ian Campbell
Planning Inspector

21st November 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	315895-23			
Proposed Development Summary	2 no. buildings containing family pods and a games room, associated site works, connections to existing drainage system and watermain			
Development Address	The Paddocks, Lisnabrack, Carrick on Shannon, Co. Leitrim			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	X		
	No	No further action required		
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A	Not of a Class.	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Ian Campbell

Date: 21st November 2023