



An
Bord
Pleanála

Inspector's Report

ABP-318946-24

Development	A detached 5 bedroom dwelling, garage, and a new vehicular entrance via Carraig Abhainn.		
Location	Carraig Abhainn, Knoxspark, Ballysadare, Co. Sligo.		
Planning Authority Ref.	2360181.		
Applicant(s)	Cathal O'Connor.		
Type of Application	Permission.	PA Decision	Grant Permission.
Type of Appeal	Third Party.	Appellant	Vincent and Martina Sherlock.
Observer(s)	None.		
Date of Site Inspection	3 July 2024.	Inspector	Stephen Rhys Thomas.

1.0 Introduction

1. Site Location/ and Description.

The appeal site is located on the southern edge of Ballysadare town in County Sligo, adjacent to a housing estate that takes access from the R290 regional road. The site comprises a rectangular site with a boundary to the Carraig Abhainn housing estate, the estate contains a mix of single and two-storey semidetached, detached and terraced houses fronting onto estate access streets. The appeal site

slopes noticeably from the west downwards to the east. The other boundaries of the site comprise mature hedging, interspersed with mature trees.

2. Proposed development.

A detached 5 bedroom dwelling, garage, and a new vehicular entrance via Carraig Abhainn.

3. PA's Decision and conditions

The planning authority issued a notification to grant permission subject to 11 conditions, conditions of note include:

2. provision of a fully hipped roof.
5. that requires a connection from the front of the site to the existing and proposed development zoned lands to the south.

4. Planning History.

Subject site:

None.

Adjacent Site:

PA Ref 19310 and ABP ref: PL21.306340 – Permission for 13 houses.

5.1. Local Planning Policy

Sligo County Development Plan 2017-2023 – Extended to July 2024

Such extension will ensure that the zoning and development objectives of the CDP remain in force until the new Plan is adopted.

The Draft Sligo County Development Plan 2024-2030 proposed amendments consultation phase closed on the 5 July 2024.

The general planning policies and objectives for County Sligo are outlined in Volume 1 of the Sligo County Development Plan 2017-2023 as extended, while more specific local planning policies and objectives are outlined in Volume 2 of the Plan, including the Ballysadare Mini-Plan. The appeal site has a land-use zoning objective for 'Residential Uses' within the Ballysadare Mini-Plan.

Relevant policies and objectives include:

P-UHOU-4 - Promote more compact forms of residential development, such as infill and backland development, and ensure – through the development management process – that access points to backland areas are reserved or that adequate road frontage is reserved to provide future road access, to enable comprehensive backland development.

5.2 Natural Heritage Designations

- The Unshin River Special Area of Conservation (SAC) (Site Code: 001898) is located 120 metres to the east of the site on the opposite side of the regional road. The Unshin River and Owenmore River join to form the Ballysadare River, which forms part of the Unshin River SAC and discharges into Ballysadare Bay. Ballysadare bay, which is located 1km to the northwest of the appeal site, is designated as both a Special Protection Area (SPA) (Site Code: 004129) and a SAC (Site Code: 000622).

6. The Appeal

6.1 Third Party Appeal.

- The height and scale of the proposed dwelling will present an overbearing appearance and dominate the skyline.
- The likelihood that the proposed dwelling will overlook and overshadow a plot of land that is already affected by housing at Carraig Abhainn and will diminish our development potential.
- An access road to open up lands to the south has not been included in the planning permission. A drawing is included to show how a new road can provide access from developments lands to the south and back into the Carraig Abhainn estate but does not address excessive level differences between sites.

6.2 P.A. Response

No new matters raised in the appeal, uphold permission.

6.3 Observers

None.

6.4 Applicant Response

The principle of future access to lands is accepted. Further information drawings show revised front boundary details and space for a new road. As no proposal exists for the lands to the south, a detailed design for access cannot be made.

A shadow analysis was prepared and no impact to adjacent houses was demonstrated.

The house was amended to ensure no overlooking, the only southerly window is an opaque bathroom window and the closest house to the south is 120 metres away.

Finished floor levels were lowered by 650 mm to further reduce any impact.

The proposed dwelling matches others in the vicinity, finished floor levels and ridge heights demonstrates this.

7. EIA - Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site as well as the criteria set out in Schedule 7 of the PDR's, 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. Appendix 1 refers.

8. AA Screening – *Screening the need for Appropriate Assessment*

Screening Determination

I have considered the house in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located approximately 120 metres west of the Unshin River Special Area of Conservation (SAC) (Site Code: 001898), an area of developed land, housing and a regional road separates sites.

The proposed development comprises the construction of a house.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The small scale and nature of the development
- Location-distance from nearest European site and lack of connections

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

2.0 Assessment

2.1. Introduction

2.1.1. The main issues in this appeal are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issues can be dealt with under the following headings:

- Residential Amenity
- Development Potential and Access

2.2. Residential Amenity

2.2.1. The appellant has concerns that the proposed dwelling will impact upon the residential amenity of a plot of land in their ownership, south of the site and west of their current residence along the R290. Issues regarding loss of residential amenity to those existing residences at Carraig Abhainn were raised during the planning application process, but none of these concerns have translated into any additional appellants or observers. I also note that no new observations to the planning application after further information was received by the planning authority were raised, apart from the single appellant to this development.

2.2.2. In that context, I have confined myself to the appeal at hand, and considered the potential for residential amenity issues and the plot of land highlighted by the

appellant and the cottage they reside within. I am satisfied that any other matter to do with residential amenity and the residents of Carraig Abhainn have been adequately dealt with by the planning authority and no further issues arise. The appellant's plot of land lies to the south of the appeal site and is currently zoned for residential uses. The land follows the same contours as the appeal site and slopes down to the rear of an existing cottage.

- 2.2.3. With reference to the cottage, the appellant is concerned that the relative height and position of the proposed dwelling will overbear their home, lead to a loss of privacy and break the skyline. The proposed dwelling will be approximately 125 metres from rear elevation of dwellings located along the R290, including the appellant's home. This is a considerable intervening distance between proposed and existing developments, and I am satisfied that there will be no perceptible loss of privacy or overshadowing for that matter. In terms of an overbearing appearance, the proposed two storey house (as amended) will be located at an upper level but will sit into the slope, cross section drawing 211202B-3-208 refers. Thus, the public open space, houses and hillside of Carraig Abhainn will present a backdrop, I do not anticipate any overbearing appearance impacts.
- 2.2.4. In terms of residential amenity and the plot of land to the south of the appeal site, this is simpler to quantify. At present, no development, either permitted or proposed is located at the appellant's site and so there are no current residential amenity impacts to consider. However, in terms of development potential, I provide some discussion and conclusions in the following section of my report.

2.3. Development Potential and Access

- 2.3.1. The appellant is concerned about the possible residential amenity impacts that the proposed dwelling will have on the development potential of their lands. In addition, the appellant is not satisfied that an effective access point has been proposed that suits their purposes for the future development of their land.
- 2.3.2. In terms of the design of the proposed dwelling and the potential for overlooking and loss of privacy. I note that the house design was amended, reduced in scale and specifically, the southern gable elevation has a reduction in the number of windows. The window that is present at the upper floor level, provides light to a bathroom and this window should be glazed with obscured glass. In terms of the potential for

overshadowing and loss of light in the future, I note that the contours and relative levels of the appeal site and the appellant's plot are similar. In addition, the proposed dwelling is positioned to the north of the appellant's plot and so there are unlikely to be any adverse issues of overshadowing or loss of daylight, the applicant's daylight and overshadowing analysis demonstrates this point. It is worth noting, it is likely that if the appellant should decide to develop their land, they should carefully consider how overshadowing and loss of daylight might impact adjacent dwellings within their documentation that accompanies any application for consent.

- 2.3.3. With respect to the future access of lands to the south of the appeal site. I note that the applicant has indicated a possible access from the cul-de-sac to the front of 60 and 61 Carraig Abhainn. In addition, the applicant's drawings detail the more realistic possibility of access through the appeal site from between 4 and 5 Carraig Abhainn, by the provision of a 4 metre set back. The appellant is critical of these options and points out that level differences are too great, and access will be difficult. It is not for the applicant to prepare detailed design proposals for future access routes into the appellant's lands, but I note that condition 5 requires a connection from the front of the site to the existing and proposed development zoned lands to the south. In the interests of clarity, I recommend that a suitably worded condition reiterates and makes plain what is the most appropriate access point and how it shall be achieved. The appellant's plot is not landlocked and there are other alternatives that could be explored but I am satisfied that the most effective access point can be achieved between 4 and 5 Carraig Abhainn and as detailed in the drawings prepared by the applicant and approved by the planning authority. This view is shared by the applicant, who is prepared to set back a boundary wall to enable future access, drawing 211202B-3-208 refers.

3.0 Recommendation

- 3.1. Having regard to the above assessment, and based on the following reasons and considerations, it is recommended that permission be granted subject to conditions.

4.0 Reasons & Considerations

Having regard to the residential uses zoning requirement for the area, the provisions of the Sligo County Development Plan 2017-2023 (as extended) and the Ballysadare Mini-Plan contained at section 8 Volume 2 of said plan, the scale and nature of the proposed development, it is considered that the proposed development would not seriously injure the amenities of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic and pedestrian safety and visual amenity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

5.0 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 further plans and particulars submitted on the 14th day of December 2023, 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 proposed development shall be amended as follows

- a) the applicant shall submit a revised layout plan showing a vehicular connection through the site from the Carraig Abhainn estate to the existing and proposed development zoned lands to the south, such access shall be suitably dimensioned, left free from development and clearly indicated as future vehicular access,
- b) revised drawings that show the omission of the half-hipped roof and the provision of a fully hipped roof.

c) All bathroom windows at first floor level shall be glazed with obscured glass.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and the proper planning & sustainable development of the area

3. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interests of clarity and public health.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling and boundaries shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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 and surface water management.

6. The site shall be landscaped (and earthworks carried out) in accordance with a detailed scheme of landscaping, which shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. The scheme shall include provisions for hard and soft landscaping within the site, boundary treatments and includes measures for the protection of trees within and adjoining the site.

Reason: In order to ensure the satisfactory completion of the development.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. The cables shall avoid roots of trees and hedgerows to be retained in the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

8. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

10. The construction of the development shall be managed in accordance with a Construction and Traffic 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:

- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and car parking facilities for site workers during the course of construction;
- (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (d) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. The measures detailed in the construction management plan shall have regard to guidance on the protection of fisheries during construction works prepared by Inland Fisheries Ireland.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

13. 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.

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.

Stephen Rhys Thomas
Senior Planning Inspector
11 July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	318946			
Proposed Development Summary	House			
Development Address	Carraig Abhainn, Knoxspark, Ballysadare, Co. Sligo.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓	
		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) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes			EIA Mandatory EIAR required	
No	✓		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		No EIAR or Preliminary Examination required
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	N/A	Preliminary Examination required
Yes	N/A	Screening Determination required

Inspector: _____ **Date:** _____