



An
Bord
Pleanála

Inspector's Report

ABP-319869-24

Development	Construction of a house with all associated works.
Location	Mockmoyne Townland, Boyle, Co. Roscommon
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	2442
Applicant(s)	
Type of Application	Permission.
Planning Authority Decision	Refuse Permission
Type of Appeal	First
Appellant(s)	Raymond Devine
Observer(s)	None
Date of Site Inspection	17 th December 2024.
Inspector	Darragh Ryan

1.0 Site Location and Description

- 1.1. The subject site is located in the Mockmoyne Townland, within the town of Boyle, Co. Roscommon. It is situated to the rear of existing two- and three-storey buildings that front onto St. Patrick's Street. The site is accessed via a public car park, which is positioned behind a historical stone wall. The primary entrance to this car park is located opposite the "Spool Factory" building.
- 1.2. The site is bordered to the east by Green Street, with the adjacent Credit Union building providing a key reference point. Access is facilitated through the existing public car park to the rear of St. Patrick's Street, with a pedestrian gated entrance set within the historical stone wall. A potential vehicular access route, is positioned to the east of the site.
- 1.3. The site itself is overgrown with vegetation and contains remnants of older buildings and sheds. Several properties along St. Patrick's Street have rear yards and shed spaces that adjoin the site. Additionally, there is evidence of past demolition activity immediately adjacent to the site, resulting in a noticeable depression in the ground.

The total stated site area measures approximately 0.022 hectares.

2.0 Proposed Development

- A single storey dwelling of 90.96m²
- Ridge Height of 4.9m from the perspective of public car park.
- Front elevation shall merge/be constructed from stone from the existing wall.
- In place of two pedestrian gates, hardwood sheeted front doors will be provided for access to the dwelling and a hardwood sheeted door to access / yard and garden.
- Blue/black smooth roof slates are proposed.
- The finished floor level of the dwelling is stated at 0.00
- There is a store/outbuilding associated with a shop fronting Patrick Street immediately abutting the site. The Ground level is given at 2.55m

3.0 Planning Authority Decision

3.1. The Planning Authority issued a Decision to refuse permission for 2 reasons:

1. The proposed development by virtue of its inappropriate design, configuration in the context of existing ACA structures and setting, would detract from the Boyle Architectural Conservation Area. The proposed development would be contrary to policy objective BH 9.5 of the Roscommon County Development Plan 2022 to 2028, which seeks to ensure that new developments within or adjacent to an ACA respects the context of the area and contribute positively to the ACA in terms of design, scale, setting and material finishes. The proposed development would set an undesirable precedent for other unsuitable development and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proposed access arrangement, which is dependent on a public car park in public use, and in the absence of sufficient evidence to demonstrate a legal entitlement to access the site and maintain access arrangements in perpetuity via this public car park, together with the absence of existing water and waste water infrastructure and where provision of such would also be dependent on the undertaking of works on the public car parking area, it has not been sufficiently demonstrated that necessary infrastructure can be independently provided to serve the proposed development. It is considered the current proposal would therefore result in disorderly development, would set an undesirable precedent for similar types of development and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. There is a single Planning Report on file, the report addressed the following:

- Boyle local area Plan 2015 to 2021 is the adopted plan for the area. Appropriate residential development on lands zoned TC1 – Town centre acceptable in principle. Provisions as set out in Section 6.1.1 and zoning objective TC1 sets out to “prohibit disorderly development of backlands”.

- The subject site is not considered to have sufficient capacity to accommodate the development and the proposed layout is not acceptable, effectively equating to disorderly development on a restricted site.
- The site forms part of the Boyle Architectural Conservation Area. The proposal involves the development of the full extent of the planning unit which is not considered appropriate in view of its impact on the remainder of the urban block within the site. The proposed development fails to demonstrate how it would contribute positively to the ACA in terms of design, scale and setting. The planning authority is not satisfied that the proposed development by reason or its setting, configuration and design not conflict with RCDP Policy Objective BH9.5
- Access to the subject site is dependent on the public car park in public use outside of the applicants identified landholding and no evidence has been provided to demonstrate legal entitlement to utilise such an access arrangement in perpetuity. A new 2m wide footpath is proposed and indicated on the submitted site layout plan, outside of the applicants identified landholding, and no evidence has been provided to demonstrate entitlement to construct same.

3.2.2. Other Technical Reports

- None

3.3. Prescribed Bodies

Uisce Eireann – further information requested

A pre-connection enquiry is sought to determine the feasibility of connection to the water/waste water infrastructure.

3.4. Third Party Observations

- None

4.0 Planning History

PA reg ref 06/2187 – Application Withdrawn – Permission for the construction of a pair of semi-detached dwelling houses (2 no houses), together with ancillary site works and services

5.0 Policy Context

5.1. National Policy

Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (2024)

5.2. Roscommon County Development Plan 2022 to 2028

5.2.1. Boyle Self sustaining Growth Town

PPH 3.3 - Require the provision of an appropriate mix of house types and sizes in residential developments throughout the county, in order to meet the needs of the population and support the creation of balanced and inclusive communities.

5.2.2. TV 4.1 - Promote and facilitate the sustainable development of a high quality built environment in order to create a distinctive sense of place, with attractive streets, spaces, and neighbourhoods that are accessible and provide safe places for the community to meet and socialise.

TV 4.2 - Develop sustainable and successful neighbourhoods through the consolidation and redevelopment of built-up areas. Promote new compact mixed-use forms of development in urban settlements and rural villages, served by public transport and green infrastructure.

TV 4.9 - Encourage the redevelopment of centrally located vacant and/or underutilised areas within towns and villages

TV 4.17 - Give favourable consideration to proposals for alternative beneficial uses to repurpose vacant and under-utilised buildings and land in order to re-energise town and village centres. A high standard of development is required in all cases.

5.2.3. Boyle ACA

The ACA in Boyle is architecturally significant because of its town planning history through the widening and improving of ancient paths and routes, the addition of new streets and bridges and the strategic location of public buildings at key points and towards the ends, but not at the ends, of the streets. This area was at the core of the economic development activity based on trade and retail in the early nineteenth century. Its physical layout points to the way key elements of the town such as the marketplace, bridge, rear access lanes, large dwellings and public buildings related to each other

BH 9.5 - Ensure that new developments within or adjacent to an ACA respects the context of the area and contribute positively to the ACA in terms of design, scale, setting and material finishes

5.2.4. DM Standards Architectural Conservation Areas

Proposals for development within an ACA that involves a new building, reuse or change of use and extensions will generally be required to:

- Conserve and enhance the character and appearance of the ACA;
- Respect the scale, massing, proportions, design and materials of existing structures;
- Retain important exterior architectural features that contribute to the character and appearance of the ACA.

5.2.5. The Draft Boyle LAP (2025-2031) is in the initial stages of development, the Boyle LAP (2015-2021) remains a material consideration until the new Boyle LAP comes into effect.

5.3. **Natural Heritage Designations**

Lough Arrow SAC – 6.7km to the North

Lough Arrow SPA – 6.7km to the North

Lough Gara SPA - 6.5km to the West

5.4. EIA Screening

See completed form 2 on file. 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 Planning & Development Regulations 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. This is a first party appeal against the decision of Roscommon County Council to refuse permission for the construction of a single storey dwelling at Mockmoyne Townland, Boyle, Co. Roscommon. The Grounds of Appeal can be summarised as follows:

- The applicant does not specifically address the refusal reason but states that the development should be granted as the site is contained within the zoning envelope of the town of Boyle as taken from the Roscommon County Development Plan.
- The applicant states that they have sufficient legal access to the site across the public car park. In the event of a successful grant of planning permission the applicant is willing to accept a condition of planning permission that this legal access shall be provided in writing prior to the commencement of development.
- The applicant states that they will apply to Irish Water for the necessary connections to the existing foul sewer and water network and are willing to accept a condition of planning permission that no development will commence until a letter of offer is issued by Irish Water.

6.2. Planning Authority Response

- None

6.3. Observations

- None

6.4. Further Responses

- None

7.0 Assessment

Having examined the application details and all other documentation on file, including the appeal, and having inspected the site and having regard to the relevant national and local policy guidance, I consider the main issues in relation to this appeal are as follows:

- Design
- Site Access
- Appropriate Assessment

7.1. Design

The applicant proposes the construction of a dwelling within the Architectural conservation area of Boyle on backland development to the rear of Patrick Street. The site is accessed through a car park and bordered by a stone/rubble wall.

- 7.1.1. The proposed development consists of a single-storey dwelling with a total floor area of 90.96m² and a ridge height of 4.9m. The front elevation is intended to incorporate stone sourced from the existing stone wall on-site, which appears to define the boundary of the Boyle Architectural Conservation Area (ACA). It is not clear if the applicant intends to knock and rebuild the wall or use the wall as the front elevation to the dwelling. Given its potential historical significance, the integration of the existing wall into the proposed development raises important considerations regarding heritage conservation and structural integrity.
- 7.1.2. The applicant has not submitted a historical or structural assessment to evaluate the impact of the proposal on the existing stone wall or to determine whether the incorporation of its materials can be achieved without compromising its integrity. The absence of such an assessment is a notable omission, particularly in the context

of development within or adjacent to an ACA, where careful consideration of heritage value and built fabric preservation is required.

- 7.1.3. The submitted drawings indicate the proposed materials and finishes, which include timber-framed windows and a blue/black slate roof, which are generally in keeping with traditional vernacular architecture. However the windows as proposed are of a horizontal emphasis, whereas the windows in the ACA are of a vertical emphasis. Boyle Credit union on Green Street and buildings fronting onto St Patrick's street all have a strong front elevational design that reflects the strong character of the ACA. The proposal also includes alterations to the existing access points within the stone wall. Two existing pedestrian gates are to be replaced with hardwood sheeted front doors providing access to the dwelling, while an additional hardwood sheeted door is proposed to facilitate access to the rear yard and garden area.
- 7.1.4. Roscommon County Council refused the proposed development on the grounds that its design and configuration are inappropriate in the context of the Boyle ACA. The proposal was deemed to detract from the character of the ACA and was found to be contrary to Policy Objective BH 9.5 of the Roscommon County Development Plan 2022–2028. The planning authority report noted:
- The design is generic and does not adequately respond to the existing architectural character of the ACA.
 - The proposal does not integrate appropriately with the surrounding built environment, including the immediate proximity of an existing outbuilding.
 - The development does not sufficiently consider the broader context of backland development in the area, where a more comprehensive redevelopment strategy could be explored.
- 7.1.5. National and local policy strongly promote town centre living and the regeneration of brownfield and vacant sites. However, such redevelopment must ensure appropriate design integration and long-term sustainability. The Boyle ACA designation places a responsibility on applicants to deliver a high design standard that respects and enhances the character of the conservation area. The proposed development does not sufficiently meet this requirement. Policy BH 9.5 of the Roscommon County Development Plan 2022–2028 mandates that developments within ACAs should be sensitively designed to complement and integrate with the historic built environment.

The proposed design lacks distinctive architectural elements that reflect the Boyle ACA's established character. Specifically:

- The methodology for integrating the dwelling with the existing stone boundary wall is not detailed. No historical assessment or structural assessment of the wall has been provided.
- The proposal nearly fully occupies the site, leaving little opportunity for private open space or meaningful landscaping.
- The building elevations, particularly those facing west, east, and south, fail to reference the architectural context of the ACA.
- The proposed window design is of horizontal emphasis, whereas traditional buildings within the ACA feature vertically proportioned openings.

The applicant has not provided a design statement for the proposed development or provides a consideration for the wider area. The appeal itself does not offer argument as to why the development proposal should be accepted or highlights any key points that would warrant an overturn of the decision of Roscommon County Council. While the development of such vacant/back land sites for residential development offer an opportunity to fulfil local and national objectives of town centre living, I consider a development of this nature requires a sensitive approach to infill design that acknowledges and enhances the historic urban fabric. The proposal does not achieve this and represents a missed opportunity for a well-considered intervention within the ACA. The site is part of a wider backland area, and any development should be assessed within the broader context of potential redevelopment rather than in isolation.

7.1.6. I consider the proposed development does not adhere to the principles outlined in Policy BH 9.5 of the Roscommon County Development Plan 2022–2028. The design is not sufficiently sensitive to its ACA setting, lacks integration with the surrounding built environment, and does not contribute positively to the character of Boyle ACA.

7.2. Site Access/ Public Car Park/ Public Utilities.

The second reason for refusal cited by Roscommon County Council relates to the proposed access arrangements, which rely on a public car park currently in public use. In the absence of sufficient evidence demonstrating a legal entitlement to

access the site via this car park and to maintain such access arrangements in perpetuity, the planning authority recommended a refusal.

The proposed development includes works within the public car park, such as the construction of a 2-meter-wide footpath outside the site boundary. However, no details have been provided regarding consent from Roscommon County Council or any discussions undertaken with the local authority to facilitate these works.

Additionally, a vehicular access to the east of the site has potential for construction-related deliveries and access. However, no evidence has been submitted to confirm a legal entitlement to carry out works within the car park or to access the site via this route.

While the applicant asserts that evidence of legal entitlement can be provided prior to the commencement of development, it is reasonable to expect that such an agreement with the local authority should be in place at this stage. Given the dependency of the development on access through public lands, and the absence of confirmation from the relevant authorities, I consider this a substantive concern and a valid reason for refusal.

- 7.2.1. The applicant has not provided details regarding the connection to public water and wastewater infrastructure. A report from Uisce Éireann on file states that there is no existing water or wastewater infrastructure in the public area fronting the development, and that a mains and sewer extension would be required. It is also noted that such an extension is not included in Uisce Éireann's current capital investment plan.

The applicant has merely indicated an intention to apply to Irish Water for a connection but has not submitted any supporting information to demonstrate how the necessary infrastructure will be provided. Policy PPH.3.20 of the Roscommon County Development Plan states that housing on serviced sites should only be considered where it is supported by Irish Water (Uisce Eireann) infrastructure. Given that the site is currently unserviced and requires infrastructure extensions that are neither planned nor agreed upon, the proposal does not align with the policy objectives of the Development Plan.

The absence of a clear and feasible servicing strategy reinforces the validity of the Council's refusal reason. Notably, the applicant has not provided any additional information at appeal stage to address this issue.

- 7.2.2. Having regard to the above considerations, I am satisfied that the second reason for refusal, as set out by Roscommon County Council, is well-founded. The development's reliance on a public car park for access, without legal entitlement or agreement from the local authority, combined with the absence of a clear servicing strategy for water and wastewater infrastructure, renders the proposal unacceptable. Accordingly, I recommend that the decision of the planning authority be upheld, and permission be refused.

8.0 AA Screening

- 8.1.1. I have considered the proposed development at Mockmoyne Townland, Boyle, Co. Roscommon in light of the requirements S177U of the Planning and Development Act, 2000, as amended.

The subject site is located c. 6.7km South of Lough Arrow SAC (Site Code 001673) and Lough Arrow SPA (Site Code 004050). There are no drainage ditches or watercourses in the vicinity of the development site that provide direct connectivity to European sites. Article 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on such non-Natura 2000 areas as features that connect the Natura 2000 network. Features such as ponds, woodlands and important hedgerows were taken into account in the decision process.

- 8.1.2. The proposed development comprises the construction of a dwelling on lands with the development boundary of Boyle, Co. Roscommon.

- 8.1.3. 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 nature and small scale of the development,
- The location of the development site and distance from nearest European site(s), and the weakness of connectivity between the development site and European sites.

- Taking account of the screening report/determination by the Planning Authority.

8.1.4. 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.

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

9.0 Recommendation

I recommend that permission is refused for the following reasons:

1. The proposed development by virtue of its inappropriate design, configuration in the context of existing ACA structures and setting, would detract from the Boyle Architectural Conservation Area. The proposed development would be contrary to policy objective BH 9.5 of the Roscommon County Development Plan 2022 to 2028, which seeks to ensure that new developments within or adjacent to an ACA respects the context of the area and contribute positively to the ACA in terms of design, scale, setting and material finishes. The proposed development would set an undesirable precedent for other unsuitable development and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proposed access arrangement, which is dependent on a public car park in public use, and in the absence of sufficient evidence to demonstrate a legal entitlement to access the site and maintain access arrangements in perpetuity via this public car park, together with the absence of existing water and waste water infrastructure and where provision of such would also be dependent on the undertaking of works on the public car parking area, it has not been sufficiently demonstrated that necessary infrastructure can be independently provided to serve the proposed development. It is considered the current proposal would therefore result in

disorderly development, would set an undesirable precedent for similar types of development and would be contrary to the proper planning and sustainable development of the area.

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.

Darragh Ryan
Planning Inspector

31st January 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	319869-24		
Proposed Development Summary	Construction of a dwelling and all ancillary site services		
Development Address	Mockmoyne Townland, Boyle, Co. Roscommon		
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	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10 (b) (i) Part 2, Schedule 5. Construction of more than 500 dwelling units	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		.	
No	X		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Construction of more than 500 dwelling units	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	Tick/or leave blank	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319869-24
Proposed Development Summary	Construction of a single dwelling
Development Address	Mockmoyne Townland, Boyle, Co. Roscommon
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Development of single dwelling of 90.96sqm. The site is located on backland within the town boundary of Boyle. There would be no construction impacts beyond that for the construction of a single dwelling.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is located at a distance removed from any water body. The site is 6.7km from nearest European site. There is no likely significant effect on any European site as a result of the proposed development.</p>

Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		The site is located within a backland environment. There is no other construction presently in the vicinity of the site. There is no concern in relations to a cumulative or transboundary effect owing to nature and size of the proposed development which is located on a limited site.
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	No – EIA is not required
There is no real likelihood of significant effects on the environment.	EIA is not required.	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	
There is a real likelihood of significant effects on the environment.	EIAR required.	

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

