



An
Bord
Pleanála

Inspector's Report

ABP-320096-24

Development	Construction of a house with all associated works.
Location	Cootehall, Boyle, Co. Roscommon (site located to rear of Doyle's Building, F52 KX47).
Planning Authority	Roscommon County Council
Planning Authority Reg. Ref.	24/60168
Applicant(s)	Luke Bruen
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Luke Bruen
Observer(s)	None
Date of Site Inspection	2 nd October 2024
Inspector	Kathy Tuck

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of c.0.085ha, is located within the centre of Cootehall, Boyle, Co. Roscommon. Cootehall is located approximately 46km to the north of Roscommon Town Centre and 8.7km to the west of the River Shannon which forms the boundary with County Leitrim.
- 1.2. The subject site is relatively flat in nature rising slightly on the east-west access. The site is currently undeveloped and located to the rear of an existing dwelling. The north-western boundary is shared with an area of open space serving the Esker Grove residential development. The south-eastern boundary is shared with the rear amenity space serving no. 11 and no. 12 Mount Eagle Forte.

2.0 Proposed Development

- 2.1. Permission is being sought for the provision of a dormer dwelling which has a stated area of c.159sq.m, a detached domestic garage with a stated area of c.25sq.m, the provision of vehicular access to existing carpark, connection to existing public services plus carry out all associated site development works.
- 2.2. The proposed dwelling is rectangular in form having a length of c.12.56m, a depth of c.8.52m and is finished with a pitched roof profile with a ridge level of c.6.74m. The dwelling is finished with an open gable feature along the front and rear elevation. In addition, there are 2 no. dormer projections along the front roof slope. The dwelling provides for 3 no. double bedrooms at first floor.
- 2.3. The proposed garage structure has a width of c.4.2m a length of c.7.6m and is finished with a pitched roof profile with a ridge level of c.4.67m.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for 2 no. reasons:

- The subject site is on land on which planning permission has previously been granted under Planning Reference No. PD/04/1449, and wherein the subject land formed an integral component of the overall development, being permitted

as a car parking area to serve the development. The proposed development of a dwelling house on the subject site would materially contravene the terms and conditions (including condition number 1) of Planning Reference Number PD/04/1449. In this regard, to permit the proposed development would give rise to poorly planned, sporadic development, would result in deficiencies in the delivery of all required infrastructure associated with the development permitted under Planning Ref. No. PD/04/1449, would set an undesirable precedent in terms of facilitating continued non-compliance with the existing planning permission and would be contrary to the proper planning and sustainable development of the area.

- The proposed dwelling house, by reason of its orientation and siting, would, if permitted, represent an inappropriate form of uncoordinated backland development, would be injurious to the residential amenity of adjoining properties and depreciate the value of property in the vicinity and would set an undesirable precedent for further such inappropriate proposals in the area. The proposed development would contravene the provisions of the Roscommon County Development Plan 2022 – 2028, particularly Chapter 12 – Development Management Standards and therefore would be contrary to the proper planning and sustainable development of the area.

3.1.1. Planning Reports

A report dated the 31st of May 2024 notes the site description, planning history, policy context and reports received. The assessment considered that the proposed development was acceptable in terms of the land use zoning pertaining to the subject site.

The report notes concern over the following:

- backland nature of the development and it being out of character with the orientation of the existing dwellings within the vicinity.
- Access to the subject site from the main public road which is not within the red line boundary of the site.
- The planning history of the subject site.

The report concludes by recommending that permission be refused for the following reasons:

- The subject site is on land on which planning permission has previously been granted under Planning Reference No. PD/04/1449, and wherein the subject land formed an integral component of the overall development, being permitted as a car parking area to serve the development. The proposed development of a dwelling house on the subject site would materially contravene the terms and conditions (including condition number 1) of Planning Reference Number PD/04/1449. In this regard, to permit the proposed development would give rise to poorly planned, sporadic development, would result in deficiencies in the delivery of all required infrastructure associated with the development permitted under Planning Ref. No. PD/04/1449, would set an undesirable precedent in terms of facilitating continued non-compliance with the existing planning permission and would be contrary to the proper planning and sustainable development of the area.
- The proposed dwelling house, by reason of its orientation and siting, would, if permitted, represent an inappropriate form of uncoordinated backland development, would be injurious to the residential amenity of adjoining properties and depreciate the value of property in the vicinity and would set an undesirable precedent for further such inappropriate proposals in the area. The proposed development would contravene the provisions of the Roscommon County Development Plan 2022 – 2028, particularly Chapter 12 – Development Management Standards and therefore would be contrary to the proper planning and sustainable development of the area.

3.1.2. Other Technical Reports

A report was received from the Boyle Municipal District which notes no objection to the proposal.

3.2. Prescribed Bodies

A report was received from Uisce Eireann which requested that additional information be sought from the applicant. The report requested that the applicant engage with them to obtain a pre-connection agreement.

3.3. Third Party Observations

None received.

4.0 Planning History

PL Ref 9715	Permission sought to refurbish Residence and Public House and Change Part of Structure for use as Workshop. No decision available.
PL Ref 98674	Permission sought to convert existing offices and construct new buildings at the rear for a 20 bedroomed hotel and pub with function rooms and kitchen. No decision available.
PL Ref 99161	Retention permission GRANTED for change of use from store into offices & septic tank.
PL Ref 04224	Permission sought for 8 no. detached dwelling houses and carry out associated site development works including repositioning and upgrading of proprietary sewage treatment system and percolation area previously approved under Planning Permission Ref. PD/97/15. Application deemed invalid.
PL Ref 041085	Permission GRANTED for 7 no. detached dwellinghouses and carry out associated site development works including repositioning and upgrading of proprietary sewage treatment system and percolation area provided under planning permission ref. PD/01/765.
PL Ref 041449	Permission GRANTED for alterations to existing building comprising of the following: Carry out alterations to existing front elevation including partially raising roof plus provision of 2 no. dormer windows; construct single storey extension to rear with roof garden over; refurbishment and fit out of, plus change of use of existing offices/store to public house and restaurant; carry out associated site development works including provision of car parking, hard and soft landscaping.

PL Ref 051271	Permission GRANTED to demolish existing two storey building plus provision of new vehicular access to accommodate proposed development, reference in planning register PD/04/1449 and carry out all associated site development works.
PL Ref 07416	Permission GRANTED to modify the vehicular entrance and access roadway to a car parking area to a commercial development for which planning permission was granted, Ref No. PD/04/1449
PL Ref 12172	Permission sought to amend condition no 3 of planning file ref no PD/04/1449. This application was deemed to be invalid.

5.0 Policy Context

5.1. Roscommon County Development Plan 2022-2028

The subject site is located within the village boundary of Cootehall as set out within Volume 2 of the County Plan. Objective Cootehall DO1 seeks “*to facilitate quality low density residential development at appropriate locations within the village settlement boundary.*”

Other relevant sections of the County Plan are as follows:

Chapter 3 – People Places and Housing

Section 3.5 – Town Centre Living

Section 3.6 – Dwelling Mix and Tenure

- Objective PPPH 3.4 - Encourage innovation in design and require development proposals to be of high quality and make a positive contribute to the built environment and local streetscape.
- Objective PPH 3.20 - Promote the provision of serviced sites, supported by Irish Water infrastructure, in order to provide opportunity for people to build their own home and live within the existing footprint of villages and Self-Sustaining Growth Towns < 2000 population.

- Objective PPH 3.21- Encourage the provision of housing within designated Rural Villages, to act as a viable alternative to single housing in the open countryside.

Chapter 4 – Towns and Village

Section 4.3 Town and Village Vision

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

Section 4.8 Derelict Sites

- Objective TV 4.14 - Introduce incentives to encourage the regeneration of vacant and underutilised town/village centre sites which detract from the amenity value of the area and undermine ambitions for consolidated, multifunctional settlements.

Section 4.9 Town Centre Living

- Objective TV 4.16- Encourage and promote the adaption of vacant former retail/commercial buildings for residential use in order to repopulate existing settlements. In order to ensure that such proposals do not undermine the vitality and service functions of towns and villages, it will be necessary to demonstrate that no retail or commercial demand exists.

Section 4.10 Infill and Brownfield Sites

Chapter 7– Infrastructure, Transport and Communications

Section 7.4 Road Transportation and Movement

Chapter 12 – Development management standards

Section 12.6 Residential Development (Urban).

5.2. Natural Heritage Designations

The subject site is located 10km to the south-east of the Lough Arrow SAC and the Lough Arrow SPA.

5.3. EIA Screening

The 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 (See Form 1 Appendix 1).

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was received from the applicant, Luke Bruen. The grounds of the appeal can be summarised as follows:

1. Change of use

- a. Notification was submitted to the Planning Authority on 13th February 2023 under Article 10(6) of the Planning and Development Regulations 2001 (as amended) that the building would revert to 1 no. 5 bed residential unit;
- b. The change of use removed the requirements of conditions pertaining to PL Ref 04/1449.

2. Response to second reason for refusal

- a. Way-leave was indicated on site layout plan (dwg. PP2) which provides a right of way through the land in the ownership of the applicant (appellant) to the public road.
- b. The proposal is utilising zoned serviced land.
- c. The proposal will not set undesirable precedent and no other site within the vicinity has development potential.
- d. From consultation with neighbours the previously permitted car park would cause more nuisance than 1 no. dwelling. No objections were received.

6.2. Planning Authority Response

None received.

7.0 Assessment

Having reviewed the grounds of the first party appeal I consider the main issues arising in this case are:

- Principle of development
- Impact on Residential Amenity
- Other matters

7.1. *Principle of Development*

- 7.1.1. The subject site is located within the development boundary of Cootehall as set out on Map 14 – Cootehall Village Plan of the Roscommon County Development Plan 2022-2028. As such in accordance with Objective Cootehall DO1, the provision of an infill dwelling on the subject site is considered to be acceptable.
- 7.1.2. Permission was previously granted on the subject site under PA Ref 04/1449 for refurbishment and extension to an existing public house which is located to the south-west of the subject site. The area subject to this appeal formed part of previously permitted development to serve as a car park area. The Planning Authority in their assessment considered that to permit permission for the proposed dwelling would materially contravene the terms and conditions of permission granted under PA Ref 04/1449.
- 7.1.3. The appellant within their appeal stated that the building which was subject to PA Ref 04/1449 has now been retained as a single residential unit. The appellant further stated that notice was issued to the Planning Authority in accordance with Article 10(6) of the Planning and Development Regulations, 2001 (as amended) on the 13th February 2023. The appellant has submitted as part of the 1st party appeal documentation a copy of the email and exemption from which was submitted to the Planning Authority.
- 7.1.4. From undertaking a site visit, I note that the structure subject to permission granted under PA Ref 04/1449 is currently not in use as a public house. Having regard to the documentation submitted by the appellant and Article 10(6) of the Planning and Development Regulations, 2001 (as amended) I consider that the development as

proposed would not materially contravene a condition of a previously permitted development on the subject site.

7.2. *Impact on Residential Amenity*

- 7.2.1. The second reason for refusal states that due to the backland nature of the development the proposal would be out of character with the surrounding area and be injurious to the residential amenity of adjoining properties and depreciate the value of property in the vicinity.
- 7.2.2. The subject site shares its south-eastern and north-eastern boundary with residential areas which comprise of dormer detached dwellings which are similar in design to that proposed. The proposed dwelling has been orientated on the site in a manner where no issues of direct overlooking are anticipated. Furthermore, having regard to the orientation of the site relative to the path of the sun and the separation distances provided, issues of overshadowing are not anticipated.
- 7.2.3. While the Planning Authority has raised concerns over the de-valuation of property no evidence to this extent has been provided as part of the assessment.
- 7.2.4. The subject site represents a zoned and fully serviced infill site which is located within the centre off Cootehall, Roscommon. Having regard to Objective PPH 3.20, Objective PPH 3.21 and Objective TV 4.9 of the Roscommon County Development Plan 2022-2028, all of which have been set out within section 5.1 of this report and seek to promote the utilisation of serviced zoned lands which are located within a village or town centre, it is considered that the proposed dwelling which is in keeping with the pattern of development and the character within the immediate vicinity of the site would be acceptable at this location. I do not consider that the dwelling as proposed would undermine or have any undue impact upon the current level of residential amenity enjoyed at this location. I therefore recommend that the Board grant permission in this instance.

7.3. *Other Matters*

- 7.3.1. The Planning Authority within their assessment raised concern over the access proposed to serve the subject site from the L-1018. The Case Officer in their report states that *“access from the public road to the proposed development is not within the identified site and is dependent of transversing lands between the identified planning*

unit and the public road which are highlighted in yellow on the submitted site plan. No supporting documentation has been submitted to clarify if this is intended to represent an established or proposed right of way off the L-10810.”

- 7.3.2. The Appellant within their appeal has stated that the yellow are on the site plan submitted represents an established right of way over lands which are in his ownership. The right of way was established on foot of permission being granted for the Esker Grove Estate as the public sewer runs from this estate through the appellants road to the main road (L-10810).
- 7.3.3. Section 34(13) of the Planning and Development Act 2000 (as amended) states that a person shall not be entitled solely by reason of a permission under this section to carry out any development. It is considered that this is not a matter that should be considered as part of this appeal.

8.0 Appropriate Assessment Screening

- 8.1. I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended. The subject site is not located within or adjacent to any European Site. The subject site is located 10km to the south-east of the Lough Arrow SAC and the Lough Arrow SPA.
- 8.2. The proposed development comprises of the provision of 1 no. Infill dwelling with a domestic detached garage and connection to the existing public services. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:
- The proposed works are limited in scale.
 - Due to the distance of the site and intervening land uses from any SAC and SPA, no impacts/ effects are predicted in this regard.
 - There are no identifiable hydrological/ecological connector pathways between the application and the SAC or SPA.
- 8.3. 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.

9.0 Recommendation

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.

10.0 Reasons and Considerations

The proposed development which is seeking permission for the provision of a infill dwelling complies with the provision of the Roscommon County Development Plan 2022-2028. It is considered that subject to compliance with the conditions set out below, the development would not be out of character with the surrounding area, would not give rise to undue negative impacts upon the residential amenity of the surrounding area and would not contravene a condition of any previous permission.

11.0 Conditions

1.	<p>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 received by the planning authority on the 15th April 2024, 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	<p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
3.	<p>All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.</p> <p>Reason: In the interest of public health</p>
4.	<p>The developer shall enter into waste water and water connection agreements with Irish Water.</p> <p>Reason: In the interest of public health.</p>
5.	<p>A landscaping scheme shall be submitted for the written agreement of the planning authority prior to the commencement of work.</p> <p>Reason: In the interest of residential and visual amenity.</p>
6.	<p>The external finishes of the garage shall harmonise in colour and texture with the finishes on the proposed dwelling house hereby permitted.</p> <p>Reason: In the interests of visual development.</p>
7.	<p>The domestic garage shall not be used for human habitation or for any other purpose other than a purpose incidental to the enjoyment of the house and shall not be used for commercial purposes without a prior grant of planning permission. In addition, it shall not be separated from the principal dwelling by lease or sale.</p> <p>Reason: In the interest of residential amenity.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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>

9.	<p>The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.</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>
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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.

Kathy Tuck
Planning Inspector

21st November 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-320096-24		
Proposed Development Summary	1 no. Infill dwelling with a domestic detached garage and connection to the existing public services.		
Development Address	Cootehall, 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	
		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		Class.....	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)
No		N/A	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: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 320096-24	
Proposed Development Summary	1 no. Infill dwelling with a domestic detached garage and connection to the existing public services.	
Development Address	Cootehall, 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>		
	Examination	Yes/No/ Uncertain
Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.	The proposed development is for 1 no. dwelling houses. There are existing dwelling houses in the proximity of the site. The proposed development would not be exceptional in the context.	No
Will the development result in the production of any significant waste, emissions or pollutants?	The development would not result in the production of significant waste, emissions, or pollutants - the subject site is serviced	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?	The proposed development is 1 no. dwelling. The size is not exceptional.	No

Appendix 2
Appropriate Assessment Screening

I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located 10km to the south-east of the Lough Arrow SAC and the Lough Arrow SPA.

The proposed development comprises of the provision of 1 no. Infill dwelling with a domestic detached garage and connection to the existing public services. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- Nature of works and the limited scale of what is being proposed.
- The location of the site from nearest European site and lack of connections.

I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

Inspector: _____ **Date:** _____