



An
Bord
Pleanála

Inspector's Report

ABP-320299-24

Development

Retention of a constructed single-storey garage and wet room (15m²) to the side and rear of the existing dwelling with all associated works.

Location

18 Sandy Cove, Strandhill, Co. Sligo, F91 V9P8.

Planning Authority

Sligo County Council

Planning Authority Reg. Ref.

24/60118

Applicant(s)

Aine O'Donnell and Silvester Maggi.

Type of Application

Retention Permission

Planning Authority Decision

Grant Retention Permission

Type of Appeal

Third Party

Appellant(s)

Anthony and Deirdre Kilcoyne

Observer(s)

None.

Date of Site Inspection

1st October 2024

Inspector

Kathy Tuck

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of c.0.055ha, is located at 18 Sandycove Strandhill, Co. Sligo. Strandhill is a coastal village which is located c.8.6km to the west of Sligo Town.
- 1.2. Sandycove is a development of 25 no. dormer bungalows which are arranged in a semi-circle format all addressing a central area of open space. Some of the dwellings are provided with a garage projection to the side.
- 1.3. The subject site comprises of a dormer bungalow which is provided with in-curtilage parking to the front and private amenity space to the rear. The dwelling has a western orientation and addresses an area of public open space. The site is of an elevated nature and maximises costal views to the east.

2.0 Proposed Development

- 2.1. The applicant is seeking retention permission for a single storey garage and wet room which has a stated area of c.15m² and is located to the side and rear of the existing dwelling with all associated works.
- 2.2. The proposed extension projects c.1.9m increasing to 3.2m from the side south-eastern elevation of the dwelling, has a depth of c.7.42m and sits c. 2.5m behind the front elevation of the dwelling. The extension is finished with a pitched roof profile which has a ridge height of 6.35m and sits c.1.9m below the ridge level of the main dwelling.
- 2.3. Subsequent plans submitted to the Planning Authority on the 11th June 2024 on foot of a request for further information, indicate the provision of c.1.9m garden wall which projects c.2.37m from the rear of the proposed extension and has a width of c.3.79m.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority, following a request for further information, granted retention permission subject to 1 no. condition.

The further information received did not amend the design of the proposed extension.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The 1st report of the Planning Authority, dated the 29th May 2024, notes the site location, the proposed development, the planning history of the subject site, third party submissions received, development plan considerations and provides for an assessment of the development.

The report notes that the development is considered to be acceptable in term of the land use zoning and design. However concern was raised over the development which was noted upon site inspection and located to the rear of the garage to be retained which was not detailed on the site layout plan submitted and also how it is prosed to access the attic of the garage. As such further information was requested.

The 2nd report of the Planning Authority dated the 28th June 2024 makes reference to the further information received, the second submission received and concludes that the further information provided clarity over the concerns raised and recommended that retention permission be granted in line with the final decision issued.

3.2.2. Other Technical Reports

A report from the Area Engineer notes no objection.

3.3. Third Party Observations

The Planning Authority received 1 no. submission which can be summarised as follows:

- Statutory disruption does not accurately describe the nature or extent of the development for which retention is being sought.

- additional height was included to avail of an additional first floor living space.
- increased structure height constitutes significant visual obtrusive when viewed adjoining amenity space.
- loss of light.
- negatively impacted on level of residential amenity.
- a partly constructed structure (blockwork up to wall plate level) is not shown or indicated on the drawings submitted as part of the application but seems to be referred to in the public notices.
- Applicants seeking to regularise the existing unauthorised structure with the hope of availing of a planning exemption to build the remainder of the unfinished structure.

4.0 Planning History

PA Ref 22/314 Permission GRANTED for the demolition of existing timber shed and construction of new infill garage with wet room and all associated site works

5.0 Policy Context

The Planning Authority Consider the application under the Sligo County Development 2018-2024 (as extended). I note that the new County Plan was adopted on the 30th September 2024 and came into effect on the 11th November 2024 .

5.1. Sligo Development Plan 2024-2030

Strandhill is identified as a village and is recognised as having a special role in Tourism.

Policy SP-S-4 seeks to Carefully manage development in the Satellite Villages of Ballysadare, Collooney, Coolaney, Grange and Strandhill, prioritising investment in social infrastructure and active travel infrastructure.

The subject site is zoned under objective eRES- existing residential areas as presented on the Strandhill Zoning Map.

The following sections of the County Plan are considered to be relevant:

Section 33.2.1 – Building Lines

Section 33.2.2 – Impact of development on its surrounding areas.

Section 33.2.16 – Extensions to Dwellings

- The Council will require proposals for extensions to comply with the following:
 - I. the extension should generally be subordinated to the main building (i.e. to be or appear smaller when seen from a public road). Exceptions will be considered when the original building is so small that a subordinate extension would not be able to reasonably accommodate the needs of the occupants;
 - II. the form and design should integrate with the main building, generally following window proportions, detailing and finishes, including texture, materials and colour;
 - III. the extension shall be designed to ensure that it will not result in overshadowing, loss of daylight or overlooking of adjacent residential properties.

5.2. Natural Heritage Designations

The subject site is located c. c.437.17m to the south of the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC and the Cummeen Strand SPA. In addition, the site is also located 2.3km to the north of the Ballysadare Bay SAC and the Ballysadare Bay 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

This is a third party appeal against the decision of Sligo County Council to grant retention permission and has been lodged by Anthony and Deirdre Kilcoyne, the immediate neighbour to the south-east of the subject site. The issues raised are summarised as follows:

1. Public notices misleading

- a. Plans indicate the provision of 1st floor accommodation this is not included in notices.
- b. Use of term garage misleading -no garage door instead there is a patio door.
- c. Area of proposal does not include first floor.
- d. Reference to rear extension is confusing as structure to rear of the extension was not indicated on original plans.
- e. Application should have been invalidated.

2. Partially constructed rear extensions

- a. Concern rear section of the development will not remain as a garden wall as stated.
- b. Wall is concrete block cavity with insulation.
- c. Not plausible that this will remain as a wall.
- d. Request a condition to remove the structure or restrict the use of exempted development.
- e. This part of the development will impact upon residential amenity of adjoining property given proximity to shared boundary.

3. Use of extension

- a. Concern proposal will be utilised as a independent living unit.
- b. No internal link to main dwelling.

- c. Roof light would act as fire escape at first floor level.
- d. Partly constructed rear section was seeking to extend the originally permitted side extension.
- e. Condition of planning will not ensure it remain part of the main dwelling.
- f. Create an undesirable precedent.
- g. De-value property.

4. Design

- a. It is accepted that the proposal is similar in height to existing garages in the development – but these garages were constructed as part of the original development where sufficient separation distance was provided.
- b. Height has been increased without the benefit of permission.
- c. Estimated that proposed is 2/3 feet higher than that permitted; and
- d. No rational for extra height – which according to the notices is single storey.

5. Visual Impact/Loss of Light

- a. Increased height together with little separation constitutes a visual intrusion.
- b. Loss of light on patio area in the evening.
- c. Loss of enjoyment of open space.
- d. Negatively impact upon current level of residential impact.

6.2. Applicant Response

A response from the 1st part was received on the 25th August 2024 and can be summarised as follows:

- Amendments required due to discrepancy encountered on site to architectural drawings originally submitted under PA Ref 22/314.
- Aware that extension cannot be a separate habitable unit.
- Roof height required to avoid blocking an existing ope.

- Height sits lower than garage of neighbouring garage.
- Less visually intrusive than that originally permitted under PA Ref 22/314.
- Garden walls constructed as a misinterpretation of planning law – will provide sheleted bin storage/BBQ area and provide privacy from neighbouring raised deck.
- Loss of light – does not impact amenities as smaller than previously permitted.
- Privacy – removed window and maintaining garden wall.

6.3. **Planning Authority Response**

A response was received from the Planning Authority dated the 15th August 2024, the report refers the board to the planners report, internal department reports and reports from prescribed bodies and requests that the decision to grant permission be upheld.

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Design and Layout
- Use of structure
- Other Matters

7.2. **Principle of Development**

7.2.1. The subject site is zoned objective 'eRES- existing residential areas' within the Sligo County Development Plan. Therefore, the proposed development is considered in accordance with the zoning objective and should be assessed on its merits.

7.3. **Design and Layout**

- 7.3.1. The appellant notes concern over three aspects of the proposed development – the rear garden wall, the impact on their visual amenity and the impact on their residential amenity.
- 7.3.2. With regard to the rear garden wall, which is noted as being partially constructed, the appellant contends that it will not remain as a garden wall as stated given the construction method used. The Appellant has requested that in the event the board grant permission for the development that a condition be include to either remove this feature of the development or include for a condition that restricts the exemptions as listed under Schedule 2 Part 1 Class 1 of the Planning and Development Regulations 2001 (as amended).
- 7.3.3. The appellant further considers that condition no. 1 of Sligo County Councils decision does not prohibit the completion of this structure and in the event that this structure is completed it will interfere with the current level of residential amenity enjoyed.
- 7.3.4. The applicant in their response notes that this garden wall was constructed on foot of a misinterpretation of planning law and that it is the intention to retain this wall as constructed and finish it with a capping. The area is intended to provide for a enclosed bin store and bbq area. The applicant further states that it will afford them privacy from the adjoining neighbours raised deck area.
- 7.3.5. Plans submitted to the Planning Authority as part of the further information response indicate that the partially constructed rear garden wall is set c. 500mm below that of the boundary wall. As such I do not consider that the partially constructed garden wall will give rise to any undue negative impact upon the current residential amenities of the neighbouring property. Furthermore, I do not consider that there is a requirement to remove the exempted development as prescribed under the Planning and Development Regulations 2001 (as amended).
- 7.3.6. While the appellant accepts that the height of the subject garage is similar to that to the adjoining garage, the garages constructed as part of the main development were provided with adequate separation distances to the side boundaries. The garage as constructed is 2 – 3 feet higher than that originally permission under PA Ref 22/314. It is further contended that no rational has been provided for the additional height which according to the notices is single storey.

- 7.3.7. The applicant contends that the increased height together with little separation distance provided constitutes a visual intrusion, will lead to loss of light on patio area in the evening, and enjoyment of open space and as such will negatively impact upon current level of residential impact.
- 7.3.8. The permitted extension, under PA Reg Ref 22/314 had a stated height of c.5.59m. The garage as constructed has a height of 6.35m which equates to a difference of 760mm. The adjoining garage has a ridge height of c.6.42m which is marginally higher than that constructed and subject to this appeal. I note that the length of the structure, as constructed, is significantly less than that permitted under PA Reg Ref 22/314.
- 7.3.9. From undertaking a site visit I note that a number of dwellings within the Sandycove estate are served with single storey garage structures which project from the side elevations and as such I consider that the subject development is in keeping with the pattern of development of the area.
- 7.3.10. Furthermore, having regard to the single nature of the subject structure together with the length of the structure, which does not extend beyond the rear elevation of the main dwelling, I do not consider that it will impact upon the current level of light available to the adjoin property. Overall, I consider that the garage and wet room to be retained would not impact negatively upon the streetscape or the current level of residential amenities of the adjoining property.

7.4. Use of structure

- 7.4.1. The appellant sets out concerns that the proposed structure could be utilised as a separate habitable unit. It is contended that the extension is not provided with any internal connection to the main dwelling and is served with sliding-doors as opposed to a typical garage door. Furthermore, concern is raised of the inclusion of roof lights which could be utilised as a fire escape. The appellant considers that a condition of permission would not ensure that this extension will remain ancillary to the main dwelling house.
- 7.4.2. The applicant in their response has acknowledged that this unit cannot be used as a separate unit and has no intention to use it as such.

7.4.3. I consider that the use of the structure is determined by the development description set out within the statutory notices associated with the application submitted. As such, the use of the side extension is to serve as a garage and wet room.

7.4.4. I further consider that the use of the side extension can be addressed through an appropriate condition to limit the use of the proposed structure and ensure that it remain ancillary to the main dwelling on site.

7.5. Other Matters

7.5.1. Validity of Planning Application

The grounds of the appeal raise concerns regarding the validity of the planning application with regard to the public notices associated with the application. It is contended that site notice is misleading as the proposal provides for first floor accommodation and the RFU request issued by the Planning Authority should of sought amended notices. The Planning Authority determined the application to be valid and that there was no requirement for a second site noticed to be erected. I am satisfied that this did not prevent the concerned party from making representations or my assessment of the current appeal before the Board.

7.5.2. Devaluation of Property

I note the concerns raised in the grounds of appeal in respect of the devaluation of the appellant property on foot of this permission being granted. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity. Furthermore, no evidence has been provided by the appellant to support their assertion.

8.0 AA Screening

8.1. Having regard to the modest scale of the proposed development, its location within an appropriately zoned area and the foreseeable emissions therefrom, I am satisfied that no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 Recommendation

- 9.1. Having regard to the above, I recommend that retention permission be granted for the development based on the following reasons and considerations.

10.0 Reasons and Considerations

The development which is seeking retention permission for the construction of a single storey garage/west room to the side and rear of the existing dwelling complies with the provisions of the Sligo County Development Plan 2024-2030. It is considered that, subject to compliance with the conditions set out below, the proposed development would not be out of character with the surrounding area, would not be visually detrimental to the area would not impact negatively upon the current levels of residential amenity enjoyed at this location and is in keeping with the proper and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be retained 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 18th April 2024 and the 11th June 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>The garage/wet room shall not be used for human habitation or for the keeping of pigs, poultry or pigeons, ponies or horses 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</p>

	permission. In addition, it shall not be separated from the principal dwelling by lease or sale. Reason: In the interest of residential amenity.
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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

26-11-2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-320299-24		
Proposed Development Summary	Retention of a constructed single-storey garage and wet room (15m ²) to the side and rear of the existing dwelling with all associated works.		
Development Address	18 Sandy Cove, Strandhill, Co. Sligo, F91 V9P8.		
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	X
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	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)
No	X	N/A	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____

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 c. c.437.17m to the south of the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC and the Cummeen Strand SPA. In addition, the site is also located 2.3km to the north of the Ballysadare Bay SAC and the Ballysadare Bay SPA.

This application is seeking retention permission for a single storey garage and wet room to the side of the existing dwelling and all associated site works. 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:** 26th November 2024