



An  
Bord  
Pleanála

## Inspector's Report ABP-320477-24

<b>Development</b>	Construction of a dwelling house and all associated site works.
<b>Location</b>	Liosross House, Rosses Point, Co. Sligo, F91 VW56
<b>Planning Authority</b>	Sligo County Council
<b>Planning Authority Reg. Ref.</b>	2460183
<b>Applicant(s)</b>	Orla Flemming
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Orla Flemming
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	25/10/24
<b>Inspector</b>	Ronan Murphy

## **1.0 Site Location and Description**

- 1.1 The site is located at Rosses Upper, Rosses Point, Co. Sligo. The area is residential in character comprising detached housing comprising of a mixture of one and two-storey dwellings. The subject site is surrounded by housing to the south and south-west comprising of single storey dwellings set out in a cul-de-sac, and to the north by the parent house on the land. There is a right of way running along the south-western and western boundary of the site.
- 1.2 The site forms part of the curtilage of Liosross House, a detached two-storey dwelling on the western side of the public road (L7315). The site is irregular in shape and has a stated area of 0.0502ha. The topography area is noteworthy. The overall land undulates from 29mOD to the north to 28.7mOD the south and from 30mOD to the east and to 28.7mOD to the west. The appeal site is at a lower level than the parent dwelling on the land and at a similar level to the dwelling to the south of the site.

## **2.0 Proposed Development**

- 2.1. It is proposed to build a 1.5 storey dormer style, two-bedroom dwelling with a stated gross floor area of 107m<sup>2</sup> and a roof ridge height of 6.9m from ground level. The proposed dwelling would have a dormer design with hipped roof.
- 2.2. The floorplan would include a bedroom, living room and kitchen /dining room at ground floor level and a bedroom and bathroom at first floor level. Car parking would be provided to the front of the house with access from the public road to the east of the site via a new vehicular access of c.3.3m in width.
- 2.3. The proposed development would be screened from surrounding properties by way of a 2m high composite timber fence.
- 2.4. The proposed development would also include a new vehicle access to the public road, car parking, new service/drainage connections and associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1 The planning authority, by order dated 9 July 2024 decided to refuse planning permission for 1 No. reason as set out below:

*'Having regard to the restricted nature of the site, the relationship of the site surroundings, it is considered that the proposed development, given its height, scale and siting would be an overly dominant feature in the area and would have a detrimental visual impact. The proposed development would therefore seriously injure the visual and residential amenities of the area, would represent over development of the site and would otherwise not be in accordance with the proper planning and sustainable development of the area'*

### 3.2. Planning Authority Reports

#### 3.2.1 Planning Reports

There is one planning report on file. The report dated 4/7/24 notes that there is support in principle for the proposed development as the subject land is with a serviced area and is zoned residential. However, it is noted that a previous application for a dwelling was refused on 6/8/21 due to concerns relating to the ability of the site to accommodate a dwelling due to the restricted nature of the site.

The planners report notes that since the previous refusal on the subject site, there have been no changes to the relevant planning policy framework. However, it is noted that the surrounding context has changed as a result of the development of a replacement dwelling to the south of the site (**Reg. Ref. 22/395 refers**). While the dwelling granted permission under **22/395** had a larger height and scale than the dwelling it replaced, the planning authority did not consider that this represented a significant change in the site context or the overall character of the surrounding area.

The planning officer's report notes that the dwelling as proposed has been relocated and has a different form, height and has increased set back's further from shared boundaries to the north when compared to the previously refused application. However, the planning officers report notes that, given that the site remains

constrained in terms of size and width, located with the side garden of an existing dwelling that the proposed dwelling would appear as a cramped form of development, would occupy a verdant gap in the current streetscape, would be out of keeping with the prevailing character of the area and would represent a form overdevelopment.

Notwithstanding the foregoing, the planning officers report notes that the proposal is sufficiently spaced from neighbouring dwellings with shared boundaries and designed so as not to impact on nearby residential amenity in terms of overshadowing, loss of light or overlooking.

It was recommended that permission be refused.

#### 3.2.1. Other Technical Reports

- There are no Technical Reports on file.

## 4.0 Planning History

### On the current appeal site

**Reg. Ref. 21/239.** Application for the construction of a part single storey, part two storey detached house and all site works. Permission was refused for 2 no. reasons as set out below:

- 1. Having regard to the restricted nature of the site, the removal of trees and vegetation to facilitate the development and the relationship of the site surroundings, it is considered that the proposed development, given its height, scale and siting would be an overly dominant feature in the area and would have a detrimental visual impact. The proposed development would therefore seriously injure the visual and residential amenities of the area, would represent overdevelopment of the site and would otherwise not be in accordance with the proper planning and sustainable development of the area,*
- 2. Having regard to the restricted nature of the site, the proposed location of the access and the size of the proposed car parking area and driveway it has not been demonstrated that the site can be safely accessed by cars and that car parking and turning can be adequately accommodated on site. As such, it is*

*considered that traffic movements generated by the proposed development would endanger highway and pedestrian safety by reason of traffic hazard.*

**Site immediately to the south**

**Reg. Ref. 22/395** Permission granted for development consisting of demolition of the existing dwelling and the construction of a detached domestic dwelling and associated site services.

**To the north (on the opposite side of the road)**

**Reg. Ref. 24/60113:** Outline planning permission granted for a two-storey dwelling with connection to public services, widening of vehicular entrance and all associated site works.

## **5.0 Policy Context**

### **5.1. Development Plan**

I make the Board aware that the initial application was assessed having regard to the provisions of the *Sligo County Development Plan 2017-2023*. Since the initial assessment of this application, the *Sligo County Development Plan 2024-2030* was adopted on 30 September 2024 came into force on Monday 11 November 2024. However, on the 8<sup>th</sup> of November 2024, the Minister of State for Local Government and Planning issued a 'Draft Direction' to the Planning Authority under Section 31 of the Planning and Development Act, 2000 (As Amended) ('the Act'). The Draft Direction concerns a number of items which do not specifically relate to the subject land. Therefore, I am satisfied that the Board can assess the appeal under the current development plan.

### **5.2 Sligo County Development Plan 2024-2030**

Chapter 3 sets out the Core Strategy for County Sligo in which Rosses Point is identified as a Village with special coastal tourism functions and is designated for the provision of adequate infrastructure for sustainable tourism development in these villages.

#### **5.2.4 Chapter 10 sets out policies in relation to urban development:**

**P-CG-1** Ensure that the expansion of towns or villages takes place in accordance with the principle of sequential development, from the settlement core outwards, on infill sites, back land sites and designated Settlement Consolidation Sites.

**P-CG-2** In town and village centres, promote high-quality infill and back land development that consolidates and regenerates the existing urban core of the settlement and provides a diverse range of uses.

5.4.5 Chapter 22 sets out the Rosses Point Village Plan. The subject land is identified as being within the 'Existing Residential Areas' zoning. With regard to housing the plan states that housing in Rosses have largely taken the form of medium-density estates, individual houses and a few apartment developments.

The plan sets out a housing allocation of 44 units for Rosses Point.

5.4.9 The following policies are pertinent to the proposed development:

**P-UHOU-1** Ensure that residential development takes place in a manner and at a pace that does not exceed the capacity of water and wastewater treatment infrastructure.

**P-UHOU-2** Ensure that appropriate densities are achieved in appropriate locations and circumstances, in accordance with the principles set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the Urban Design Manual: A Best Practice Guide (DEHLG, 2009), Urban Development and Building Height Guidelines for Planning Authorities (2018), Circular Letter NRUP 02/2021 and any subsequent statutory guidance.

**P-UHOU-4** Ensure the provision of a suitable range of house types and sizes to reflect the changing demographic structure and the trend towards smaller household sizes.

**P-UHOU-5** Ensure that all new housing developments are constructed to the standards and specifications applicable to housing intended for permanent occupation.

5.4.8 Chapter 33 sets out Development Management Standards. The following are pertinent to the proposed development:

**33.2.2** Impact of development on its surroundings. The following factors (inter alia) will be considered in assessing the impact of a proposed development in both urban and rural areas:

- Degree of overshadowing and loss of light to surrounding properties and amenity spaces.
- Degree of overlooking and consequent loss of privacy for adjoining properties.
- The quality of the overall design.

**33.3.8 Private Open Space.** Private open space shall usually be provided behind the front building line of the house. Narrow strips of open space to the side of houses shall not be included in the private open space calculations. For dwellings of 3 bedrooms or fewer an area of 60m<sup>2</sup> is required. Reductions in rear garden area or depth may be considered in the following exceptional circumstances, subject to a reasonable degree of amenity. Rear gardens should generally be provided with a permanent and durable wall or fence with a height of 2 m, to ensure privacy.

## **5.5 EIA Screening**

5.5.1 Having regard to the nature and scale of the proposed development and the nature of the receiving environment, 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 stage, and a screening determination is not required. Please see Appendix 1 Form 1 EIA Pre-Screening.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1 A first party appeal has been submitted by My House Architects on behalf of Orla Flemming against the decision of Sligo County Council to refuse planning permission. The grounds of appeal include a set of verified photomontages. The main grounds of appeal are summarised below:

- The site layout plan clearly illustrates that the site is not restricted in any meaningful way, provision for access, turning and parking and bin storage have all been clearly demonstrated, as has provision of separation to adjoining properties and private open space.

- The adjoining recently developed property (**Reg. Ref 22/395**) represents the successful development of an original cottage into a modern home on a compact site, with minimal garden and on-site parking provision. As such it creates a significant and immediate precedent for more compact site development, significant because it represents development of a site more compact than the proposal site. The approval of this development was of significantly more modest footprint and height with previously larger external site space represents immediate precedent for the development of more compact site development in the area.
- No mention of the planning **Reg. Ref 22/395** in the planning report and therefore not clear if consideration of the proposed development in the context of that precedent was made.
- Housing typologies immediately south of the development on the cul-de-sac continuation of Springhill Close represent site sizes and house types comparable with those of the proposed development.
- The proposed scale and height are appropriate to the existing two storey house, the newer immediately adjoining 2 storey dormer and the single storey house to the west. The proposed development would not represent excessive scale of development.
- The siting of the house has been considered to sit between the natural gap between the existing two storey house and the new adjoining development. This creates a sensible building line which results in no shadow, overlooking or overbearing impacts with setbacks of 4-5m with the immediately adjoining buildings.
- The verified photomontages demonstrate that the proposed development would not represent an overly dominant feature in the area and would not have a detrimental visual impact.
- No.1 Springhill Close with a ridge height of 5m above the development at a distance of 35m represents the dominant feature in the area, particularly when viewed from the public road at the Blennicks to the north-west of the site.
- When viewed from the public road (L7315) to the north-east, the proposed development sits comfortably below the existing house. Additionally, when viewed even from close proximity of the cul-de-sac to the immediate south of the site the house does not represent a dominant feature given the scale of the newly



developed property adjacent and given the existing mature tree coverage to the site boundary.

## **6.2 Planning Authority Response**

6.2.1 The Planning Authority responded by letter dated 15 August 2024, the main points are summarised below:

- The Planning Authority refers the Board to the Planners Report and the other reports prepared in connection with the assessment of this application.
- The appellants statement and submission include additional supporting information including the provision of a verified Photomontage Report. This has been reviewed and the Planning Authority considers that this would not alter the assessment as made within the Planners Report and the decision of the Planning Authority to refuse planning permission.
- Furthermore, within the appellants grounds of appeal, at page 5 under the heading 'Item 1' it is outlined that no planning reference was given for the re-development of a derelict cottage to the south of the appeal site within the planner's report. The Planning Authority notes that a clear reference was made to this permission under the 'Visual Impact / Siting / Design' section of the planners report and furthermore consideration was clearly given to this recently approved and constructed development and its relevance to the proposed development in the planner's report.
- The development is considered to be contrary to the proper planning and sustainable development of the area and it is respectfully considered that the decision of Sligo County Council to refuse permission is upheld.

## **6.2. Observations**

- None

## **6.3. Further Responses**

- None

## 7.0 Assessment

7.1. Having inspected the site and reviewed the documents on file, I consider that the appeal can be addressed under the following headings:

- Zoning provisions
- Principle of development
- Planning History
- Design and character of the area
- Overdevelopment
- Residential Amenity
- Traffic Safety
- AA Screening

## 7.2 Zoning provisions

7.2.1 At the time the planning application was lodged, and appeals made, the *Sligo County Development Plan 2017-2023* (as extended to 2024) was in effect. The appeal site was included within the settlement boundary of *Rosses Point Mini Plan* as set out in Chapter 31 of the *Sligo County Development Plan 2017-2023*. The subject site was zoned 'Residential uses.'

7.2.2 In the interim, the *Draft Sligo County Development Plan 2024-2030* was adopted by the Elected Members of Sligo County Council on 30 September 2024 and became operational on Monday, 11 November 2024. The *Sligo County Development Plan 2024-2030* includes the Rosses Point Village Plan (set out in Chapter 22). The subject land is identified as being within the 'Existing Residential' zoning. I confirm to the Bord that residential development is a permitted use therein, and there are no new designations pertaining to the site (e.g. protected structures, architectural conservation area, tree preservation orders, protected views).

7.2.3 I note that on the 8th of November 2024, the Minister of State for Local Government and Planning issued a 'Draft Direction' to the Planning Authority under Section 31 of the Planning and Development Act, 2000 (As Amended) ('the Act'). The Draft Direction concerns a number of items which do not relate to the subject land. At the time of

writing this report public consultation with respect to the Draft Ministerial Direction was being undertaken (from 25<sup>th</sup> November to 9<sup>th</sup> December 2024).

### **7.3 Principle of development**

7.3.1 The proposed development comprises of the construction of a new dwelling, and all associated site works on land which is zoned for residential purposes. In my opinion, the proposed development is acceptable, in principle.

### **7.4 Planning History**

7.4.1 I refer the Board to the fact that the previous application which was refused planning permission by the planning authority was for a two-storey dwelling with a maximum height of c. 7.5m with an internal floor area of c. 141m<sup>2</sup>. Table 1 below provides a comparison between the application currently being considered and the previous application which was refused planning permission:

<b>Reg. Ref.</b>	<b>21/239</b>	<b>Current Proposal</b>
Ridge Height	7.5m	6.9m
Floor area	141m <sup>2</sup>	107m <sup>2</sup>
Garden Area	160m <sup>2</sup> (side and rear)	186m <sup>2</sup> (rear)
Setbacks	N: Abuts S: 5.2m W 6.1m	N: 1.2m S: 1.6m W:12m
Vehicle Access width	3.0m	3.3m

7.4.2 Having considered Table one above, I am of the opinion that the change in design, including the reduction in height and floor area are the most significant. In addition to this, the current proposal increases the setbacks to the northern and western boundaries.

### **7.5 Design and character of the area**

- 7.5.1 Broadly speaking, the reason for refusal in this case states that the height, scale and siting of the proposed development would be an overly dominant feature in the area and would have a detrimental visual impact and that the proposed development would seriously injure the visual and residential amenities of the area.
- 7.5.2 In response to this, the appellants state that the proposed development has an appropriate scale and height relative to the existing 2 storey dwelling on the site, the newly built two storey dwelling adjoining the land and the existing single storey dwelling to the west.
- 7.5.3 The proposed development comprises of a new dormer style dwelling with hipped roof and a height of 6.9m from ground level. The surrounding area is residential in character with consists of a variety of detached, individual house styles.
- 7.5.4 From an inspection of the drawings, I note that the proposed dwelling at a maximum height of c.6.9m would be lower than the parent dwelling on the land (Liosross House at 8.03m) and approximately the same height as the recently permitted dwelling the immediately to the south of the land (at c.6.5m). The proposed dwelling would be set back c. 23m from the eastern (front) boundary of the land. Given the contours of the site, the proposed development is at a lower level than both the parent dwelling on land and the public road to the east of the site.
- 7.5.5 Having been on site and having the surrounding area, I observed a number of different housing types in the area including single storey dwellings on smaller plots (such as those within the cul-de-sac to the immediate south / southwest of the subject site), dormer style bungalows and larger two storey dwellings on larger plots to the north and east of the subject site. I also observed a number of differing site configurations and setbacks for dwellings. I am of the opinion that there is no unified design aesthetic in the area. Therefore, the character of the area is robust.
- 7.5.6 In relation to this specific site, the set back of the proposed dwelling from the public realm in combination with the undulating nature of the site are important considerations. The proposed dwelling would be set back c. 23m from the public realm and the subject site is c.1.8m lower than the public road. In addition to this, the proposed development would be set back from the southern and northern boundaries of the land, thus providing a suitable visual gap between the proposed and existing

development. These facts in combination with a visible ridge height of c.5.1m ensures that the dwelling would successfully integrate with the character of the area.

7.5.7 Having consulted the verified photomontages submitted with the first party appeal and the view images and drawings submitted with the initial application, in terms of the design / visual appearance it is my opinion that the proposed development would not be out of character of the area and would not detract from the visual integrity of the surrounding streetscape.

7.5.8 The proposed dwelling would not interrupt any important views in the area and would sit comfortably in the wider residential area. In my opinion, there are no issues relating to the design or visual appearance of the proposed development. I do not believe that the proposed development would comprise of an overly dominant feature in the area and would not injure the visual and residential amenity of the area.

## **7.6 Overdevelopment**

7.6.1 The reason for refusal states that the proposed development would represent overdevelopment of the site.

7.6.2 In response to this, the grounds of appeal state that the site layout plan clearly illustrates that the site is not restricted in any meaningful way and has provision for access, turning, parking and bin storage which have all been clearly demonstrated. In addition to this, the proposed dwelling would have adequate separation to adjoining properties and private open space.

7.6.3 I would consider the most effective way to determine whether a development could be considered as overdevelopment would be the plot ratio and the site coverage of the proposed development.

7.6.4 The proposed development would have a gross floor area of 107m<sup>2</sup> and a site area of c. 502m<sup>2</sup>. The proposal would therefore have a plot ratio of 0.2, while the site coverage would be 8.8%. Having considered these figures, I am satisfied that the proposed development would not represent overdevelopment of the site.

7.6.5 With regard to the internal layout of the proposed development I have assessed the layout with respect to '*Quality Housing for Sustainable Communities-Best Practice Guidelines for Delivering Homes Sustaining Communities*'. I am satisfied that the room

areas and sizes are acceptable. In addition to this, I am satisfied that the back garden for both the proposed dwelling and the parent dwelling are acceptable.

7.6.6 The proposed dwelling would be set back c. 1.2m from the northern boundary of the site (with the parent dwelling on the land, Liosross House), c. 1.6m from the southern boundary of the land and c. 12m from the western boundary of the land. I am satisfied that the proposed dwelling would be appropriately set back from adjoining boundaries.

7.6.7 In relation to reason for refusal in respect of the overdevelopment of the site, I am satisfied that the proposed development would not constitute overdevelopment of the site. The density and site coverage of the proposed development are within acceptable ranges. The proposed development is acceptably set back from boundaries and the floor area of the dwelling and amenity spaces exceed minimum standards.

## **7.7 Residential Amenity**

7.7.1 Section 33.2.2 of the *Sligo County Development Plan 2024-2030* relates to the impact of development on its surrounding and notes that overlooking and overshadowing are two elements that must be considered. With regard to the residential amenity of surrounding developments, I would note that there is a window within the rear roof of the proposed development. This window is a skylight and would not cause any overlooking issues. There are also upper floor windows within the northern and southern elevations, these would either be obscured by opaque glazing of high-level windows. These windows would not cause any undue overlooking. Given the height and set back of the proposed development from adjoining boundaries and the orientation of the site, I would not consider that the proposal would cause any undue overshadowing.

7.7.2 It is noted that the site plan submitted with the initial application shows that the existing low fence along the side and rear boundary would be replaced with a new 2m high composite timber fence where required. While a two metre high fence is considered to be acceptable in general, I would have concerns that the phrase '*where required*' is not specific enough and in order to ensure that the proposal would not have any undue impacts on the residential amenities of surrounding properties, especially the dwelling to the immediate south-west of the site, I would recommend that a condition is included which requires that the entire rear and side boundaries is included.

7.7.3 Having regard to all of the information before me and having conducted a visit of the site and its environs, I am of the opinion that the proposed development is generally acceptable. I would agree with the planning officers report that the proposed development is reasonably set back from the boundaries and designed in a manner which would not cause any undue impacts from overlooking, overshadowing or overbearing impacts on adjoining properties.

## **8.0 Traffic Safety**

8.1 I note in the previous application on the subject site (**Reg. Ref. 21/239**) that reason No.2 for refusal related to traffic safety issues including concerns that car parking and turning could not be adequately accommodated on site and that traffic movements generated by the proposed development would endanger highway and pedestrian safety by reason of traffic hazard.

8.2 I note that the drawing package submitted with the application includes a drawing which shows a turning circle for cars on site. The drawing demonstrates that cars can enter and exit the site in a forward direction. The drawing also shows that sight lines of 50m to the north and south on the public road can be achieved.

8.3 The site is located in a low-density area where overall traffic flows are generally low. I do not consider that the traffic generated by an additional dwelling would significantly impact on traffic flows on the area. Therefore, I do not consider that the proposed development would give rise to obstruction or congestion of traffic flow. I do note that a 2m high fence is proposed around the boundaries of the subject land. The driveways for the proposed development and the existing dwelling to the north are in close proximity to each other. In the interests of safety, I am of the opinion that the height of the boundary fence should be reduced to a height of 1.2m for a distance of 1m from the intersection with the public road along the northern boundary to ensure appropriate visibility. This could be dealt with by way of condition which reduces the fence height to 1.2m in proximity to the vehicular entrance. Having considered the drawings submitted with this application, I am satisfied that the proposal would not endanger pedestrian or vehicular traffic and would not constitute a traffic hazard.

## **8.2 AA Screening**

7.7.1 I have considered the proposed development in light of the requirements of S177U the Planning and Development Act 2000 as amended. The proposed development is

located within the development boundary of Rosses Point. The proposal comprises of the construction of a new dwelling and all associated site works.

7.7.2 The subject land is not directly adjacent to a European site. The closest such site to the appeal site is the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC which is located c. 328m to the south of the site. The Cummeen Strand SPA which is located c.367m to the south and the Drumcliff Bay SPA is located c.1.2km to the north. it is noted that there is no hydrological connection between the site the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC or either of the Cummeen Strand SPA and the Drumcliff Bay SPA. In this regard, effluent is required to be discharged to the Uisce Eireann Sewerage Network and surface water would be directed to a soakaway.

7.7.3 Any potential off site impacts including noise disturbance or dust arising from the construction phase of the development can be dealt with by way of condition which requires a construction management plan to ensure that the development would not have any unacceptable off-site impacts.

7.7.4 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 relatively small scale of the proposal.
- The proposed development would be connected to the public sewerage scheme and surface water would be directed to a soakaway and as a result there is no hydrological connection between the site and any European site.
- Any off-site impact in relation to noise or dust can be managed by way of condition.

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



## 8.0 Recommendation

8.1 I recommend that permission be granted.

## 9.0 Reasons and Considerations

9.1 Having regard to the scale and design of the proposed development located on a backland position, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of adjoining properties or the visual amenities of the area, would not be prejudicial to public health or adversely affect the environment, and would be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 2m high composite timber fencing shall extend along the entire rear and side boundaries of the site. The height of the fence shall be reduced to 1.2m

for a distance of 2m along the north-eastern boundary of the land measured from the stone pier of the driveway entrance to the public road.

**Reason:** In the interests of residential amenity and to ensure traffic safety.

3. Drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the relevant section of the Council for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** In the interest of public health and surface water management.

4. a) Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Eireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection network.  
  
b) All works shall be carried out in compliance with Uisce Eireann (Irish Water) standards, codes, and practices.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. 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.

6. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working,

noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of amenities, public health and safety and environmental protection

7. Site development and building works shall be carried out only between the hours of 0700 to 19.00 Mondays to Friday inclusive, between 0800 to 14.00 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.

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

8. 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.

Ronan Murphy

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Planning Inspector

2<sup>nd</sup> December 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	<b>ABP-320477-24</b>			
<b>Proposed Development Summary</b>	Construction of a dwelling house and all associated site works.			
<b>Development Address</b>	Liosross House, Rosses Point, Co. Sligo,			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>		
		<b>No</b>	No further action required	
<b>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?</b>				
<b>Yes</b>		Class.....	EIA Mandatory EIAR required	
<b>No</b>			Proceed to Q.3	
<b>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]?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>No</b>		N/A		No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....		Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector: Ronan Murphy****Date: 2/12/24**