



Inspector's Report

Development: Two storey extension to rear at 55 Healy Terrace, Ballina, Co. Mayo

Planning Application

Planning Authority: Ballina Town Council
Planning Authority Reg. Ref.: P11/3130
Applicant: Gary Piggott
Type of Application: Permission
Planning Authority Decision: Grant Permission

Planning Appeal

Appellant: Gary Piggott
Observers: None
Type of Appeal: First v Condition 2
Date of Site Inspection: 5th June 2012.

Inspector: Mairead Kenny

SITE LOCATION AND DESCRIPTION

The site contains a two-storey end of terrace dwellinghouse and is located in an established residential area in Ballina town. To the rear of the adjacent attached house, a flat roofed two storey extension has been constructed. That extension has 3 no. windows in the western façade which faces the subject site. These are indicated on the application drawings. The stated separation between the flank wall of that extension and the site boundary is approximately 700mm. At the adjacent house to the west, no. 54, there is a single storey rear extension.

Photos of the site and surrounding area taken by me at the time of inspection are attached to the rear of this report.

PROPOSED DEVELOPMENT

Permission is sought to construct a part two-storey , part single storey rear extension at the rear of the subject house. The proposed extension would have a hipped roof and is of stated area of 65 square meters. The proposed two-storey part of the development is centrally positioned within the site and is therefore set back from both side boundaries by 1140mm and 1740mm. At the western side of the proposed development the extension would contain a single storey component parallel to the extension at no. 54 and separated from the common boundary by 350mm.

The development also provides for the relocation of the front entrance to the house, which would be positioned at the rear extension and for the replacement of the existing front door with a window. Demolition of a small utility room is also proposed.

PLANNING HISTORY

There appears to be no recent relevant planning history related to this site.

DEVELOPMENT PLAN POLICY

The relevant plan is the Ballina Town and Environs Development Plan 2009-2015. The site is zoned R1 Residential – Medium Density. This objectives includes specified plot ratios and other standards but they do not apply to extensions to dwellinghouses. There are no conservation or other objectives pertaining to this area.

DECISION OF PLANNING AUTHORITY

The planning authority decided to grant permission subject to conditions including :

Condition 2 –

- (a) The proposed extension shall be constructed a minimum of-set distance of 750mm from the site boundary
- (b) Revised plans and elevation drawings to be submitted for approval prior to commencement of development works.

Reason : To provide for future maintenance.

GROUNDS OF APPEAL

The first party appeal is against condition 2. The grounds of the appeal include :

- The design of the building was agreed in principle under pre-application consultations,
- During the course of the consultations the design of the first floor level was reduced, following which it was agreed in principle,
- Condition 2 means that it is not possible to achieve a reasonable design proposal for the main entrance – this feature is common on Healy Terrace and other houses have undertaken this alteration as it frees up the front room,
- Compliance with part M of the building is not now achievable,

- In other permissions granted similar provisions were not applied,
- There is no such requirement in planning regulations or in the development plan,
- It was verbally agreed with the relevant neighbour to the west that there would be a shared path between the extension dwellings.

RESPONSE TO APPEAL

The planning authority has not responded to the appeal.

ASSESSMENT

Having regard to the pattern of development in the area I consider that the development is acceptable in principle. If there are rights to light at the house to the east I would consider that a private legal matter and outside the scope of the current appeal. In relation to the proposed relocation of the front door I am of the opinion that this is acceptable also having regard to the lack of conservation objectives for this area and the precedents.

I therefore conclude that there is no need to consider this case *de novo* and recommend that the Board restrict its considerations to the grounds of the appeal which relate solely to condition 2.

Condition 2 arose on foot of the recommendation of the Council's Executive Architect who recommended that a clear width of 750mm minimum be provided at either side for the purpose of access and maintenance of the proposed development. At the eastern side close to the existing side windows in the adjacent extension a set back of over 1000mm is proposed in the application drawings. At the western side the proposal incorporates a single storey element which is 350mm from the site boundary. Maintenance of this wall without the consent of the adjacent landowner would be difficult but not impossible in my opinion as there would be no need for high ladders or scaffolding to be erected. Maintenance of the upper level which is set back from the site boundary by 1740mm is achievable through the erection of scaffolding or use of 'cherry pick' or similar equipment.

I find that the condition imposed is not warranted for reasons of maintenance and I do not consider that any other particular access requirements arise. I conclude that the appeal should be upheld.

RECOMMENDATION

I recommend that the condition be omitted and that the Board determine the case based on the reasons and conditions below.

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefor.

REASONS AND CONSIDERATIONS

Having regard to the design of the proposed extension, which incorporates a setback of over 1m from the site boundary to the east and a part single storey element to the west, it is considered that the development proposed can be adequately maintained.

Mairead Kenny

Senior Planning Inspector

12th June 2012