



An
Bord
Pleanála

Inspector's Report ABP-305682-19

Development	Construct a two-storey detached house with upgraded vehicular access, landscaping, groundworks and connections to services
Location	Pound Road, Castlebar, County Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	P19/127
Applicant(s)	LFC Construction Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-Party
Appellant(s)	LFC Construction Ltd.
Observer(s)	Gerard Rooney John Healy
Date of Site Inspection	10 th January 2020
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is situated in an established residential area on the west side of Castlebar in County Mayo, approximately 600m from the town centre. It is stated to measure 0.07ha and primarily comprises a backland area forming the side garden to a detached house within the subject landholding. Vehicular access is available to the property to the north off Pound Road and to the south off Newport Road (R311 regional road). It is enclosed by a mix of boundaries, including block walls of varying heights, timber fences and mature planting.
- 1.2. The site is surrounded by single-storey detached houses and has been recently cleared, with a number of trees still standing. Ground levels on site drop by 4.5m from the northwest corner to the southeast corner.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - demolition of a single-storey shed, subdivision of the property and site clearance works;
 - construction of a three-bedroom part single and two-storey detached house with a stated gross floor area of 137sq.m and with an upgraded vehicular entrance onto Pound Road;
 - connections to local services and landscaping, including groundworks and boundary treatments.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The planning authority decided to refuse to grant permission for the proposed development for three reasons relating to:

Reason 1 – substandard visibility at the proposed entrance;

Reason 2 – the additional associated traffic would endanger public safety;

Reason 3 – overdevelopment of a constrained site with poor quality and disposition of private amenity space.

3.2. Planning Authority Reports

3.2.1. Planning Reports

In their initial report (April 2019) the planning authority raised concerns regarding visibility at the proposed access, the potential for overlooking of neighbouring properties to arise and the residual impact on the private amenity space for the host house. The following was requested by the planning authority:

- applicant company details;
- a revised site layout plan indicating adequate sight visibility at the entrance, the proposed water supply connection, surface water drainage details and details of the development proposed under Mayo County Council (MCC) Ref. P19/33 on the adjoining site;
- soft and hard landscaping plans, including boundary treatments, and the extent of private amenity space to be provided.

The second report of the planning authority (June 2019) noted that matters raised in the further information request had not been fully addressed and clarification was sought on these matters.

The recommendation within the final report of the Planning Officer (July 2019) reflects the decision of the planning authority and notes the following:

- the proposed entrance to the north onto Pound Road follows an existing track associated with the host house. A more appropriate access from the south off Newport Road to serve the extended host house was agreed under MCC Ref. P19/33;
- as the historical access would no longer serve the host house and is instead proposed to serve a new house, this access must be assessed as a new access;
- the development would meet plot ratio and site coverage standards, but the layout is convoluted with poorly arranged amenity space and house siting.

3.2.2. Other Technical Reports

- Area Engineer – no response;
- Road Design – further information initially requested and refusal subsequently recommended;
- National Roads Office – no comment;
- Water Services – no response.

3.3. Prescribed Bodies

3.3.1. None consulted.

3.4. Third-Party Observations

3.4.1. During consideration of the application by the planning authority, a total of four third-party submissions were received from neighbouring residents of the Newport Road and Pound Road area. The issues raised in these submissions are similar to those raised in the observations in response to the grounds of appeal and they are summarised under the observations below.

4.0 Planning History

4.1. Appeal Site

4.1.1. The following planning application relates to the appeal site:

- MCC Ref. P17/274 – an application for permission to demolish the host house and sheds and construct four houses was submitted to the planning authority in January 2017 and was subsequently withdrawn by the applicant.

4.2. Neighbouring Sites

4.2.1. The following planning application relates to the adjoining site within the subject landholding:

- MCC Ref. P19/33 – permission granted by the planning authority in July 2019 for a single-storey side and rear extension and a roof extension to the

detached host house and a new vehicular access off Newport Road to the south.

4.2.2. The following first-party appeal was lodged with An Bord Pleanála in October 2019:

- ABP-305672-19 (MCC Ref. P19/584) – appeal of decision to refuse to grant permission for development comprising three houses at Blackford Manor, Castlebar, approximately 200m to the southwest of the appeal site.

5.0 Policy & Context

5.1. Castlebar & Environs Development Plan 2008-2014

5.1.1. Within the Castlebar & Environs Development Plan 2008-2014, the appeal site has a land-use zoning 'A – Existing Residential/Infill', where it is an objective 'to protect, preserve, improve and develop existing residential areas; to provide for appropriate infill residential development; to provide for new and improved ancillary services and to provide for facilities and amenities incidental to those residential areas'.

5.1.2. Objective HO6 of the Plan aims to develop infill sites in existing residential areas of the town, as a means of providing additional housing and increasing density.

Relevant sections of the Development Plan include:

- 5.8 - Housing Design and Layout;
- 5.11 - Low Density Housing;
- 14.4.1 - Residential Density;
- 14.4.4 - Overlooking/Minimum Rear Garden Size;
- 14.5.1 - Road Standards;
- 14.5.4 - Housing Layout and Design;
- 14.7.1 – Infill Developments.

5.2. Mayo County Development Plan 2014-2020

- 5.2.1. Section 16.3 of the County Development Plan provides standards with respect to sight visibility requirements, including the requirement for 49m visibility from a point set back 2.4m from the edge of a road with a design speed of 50km/hr.

5.3. National Guidelines

- 5.3.1. The following planning guidance documents are relevant:
- Design Manual for Urban Roads and Streets (DMURS) (DTTaS and DoECLG, 2013);
 - Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009);
 - Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).

5.4. Environmental Impact Assessment - Preliminary Examination

- 5.4.1. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A first-party appeal has been lodged and the grounds of appeal can be summarised as follows:

Planning Context

- a previous planning application proposing the demolition of the adjoining house and sheds and the construction of four houses on site (MCC Ref. P17/274) was withdrawn by the appellant due to concerns raised by the planning authority regarding overdevelopment of the site;

- to address the overdevelopment concerns expressed by the planning authority, the applicant decided to reduce the scale of the redevelopment proposals for the property and they lodged proposals concurrently to refurbish and extend the host house (MCC Ref. P19/33) and construct one house under the subject application;
- following the grant of permission for the extensions to the host house under MCC Ref. P19/33, should the subject proposed development be refused this would result in an excessively large site served by two vehicular entrances;

Access

- the assessment of the planning authority is flawed in that the existing access road off Pound Road that served the property has not been abandoned;
- examples of case law are cited and these are considered to clarify that existing planning rights are a material consideration in the assessment of development proposals;
- it was clearly set out within the planning applications that the concurrent application (MCC Ref. P19/33) on the adjoining site within the property would be served by a new access off Newport Road and the subject development would continue to use the existing access off Pound Road;
- the access off Pound Road would continue to be used with or without this permission and whether or not use of this access is authorised is not relevant to the determination of the proposed development;
- in assessing the permitted development under MCC Ref. P19/33, the planning authority recognised the status of the 'existing established entrance off Pound Road' and its acceptability as a domestic access;
- the relevant mandatory standards for the upgraded access road are contained in the DMURS and not the Mayo County Development Plan 2014-2020;
- a balanced approach is required in the assessment, as opposed to an over-engineered approach;
- an intensification in use of the access off Pound Road would not occur;

Scale & Layout

- the layout and orientation of the site should not hinder its development potential, particularly as it is of generous size compared to neighbouring properties;
- the proposed development would comply with site coverage, plot ratio, density, separation distances and private amenity space standards outlined in the Castlebar & Environs Development Plan 2008-2014;
- the proposed infill development would meet planning policy and guidance on sustainable residential development in urban areas, by providing an additional house while respecting the amenities of the immediate area;
- proposals comply with policy objectives 11 and 13 of the National Planning Framework, which provide for increased flexibility in planning terms when seeking to develop urban infill sites.

6.2. Planning Authority Response

6.2.1. The planning authority did not respond to the grounds of appeal.

6.3. Observations

6.3.1. Two observations were received, both of which were accompanied by photographs and were from residents of Pound Road. In conjunction with the third-party submissions, the issues raised can be collectively summarised as follows:

Visual Amenity

- the proposed house would be out of character with the streetscape and the surrounding bungalow-style mature housing stock;
- proposals need to be considered in parallel with the proposed development on the adjoining host house site (MCC Ref. P19/33);
- the existing landscaping details on the plans submitted are not entirely accurate;
- a mature red oak tree worthy of preservation would be removed to facilitate the development;

- the award-winning landscaping to the front garden of the host house has been lost;

Residential Amenity

- overlooking would arise with two windows looking south into the property 'Brefini';
- overdevelopment of the site would arise and a restriction of natural lighting and outlook for neighbouring properties would arise;

Access & Traffic

- the proposed access would have limited visibility, would be hazardous for road users and would be located at a very busy road junction leading northwards to residential estates;
- the proposed access was deemed too narrow under the withdrawn application (MCC Ref. P17/274);
- the existing access to be upgraded under the subject proposals, was only a secondary service access used twice per annum when turf was delivered for the host house. The previous occupants of the host house parked their car along Newport Road to the south;
- the access would be inaccessible for emergency services;

Other Matters

- backfilling could lead to flooding of neighbouring properties;
- there is a lack of capacity in the sewage infrastructure along Newport Road;
- the proposals would lead to depreciation in the value of neighbouring property.

7.0 Assessment

7.1. Introduction

- 7.1.1. Subject to planning and environmental considerations addressed below, the principle of demolishing a shed and developing a house on the subject urban infill site with a

zoning objective 'A – Existing Residential/Infill', complies with relevant housing policies and land-use objectives contained within the Castlebar & Environs Development Plan 2008-2014. Consequently, I consider the substantive planning issues arising from the grounds of appeal and in the assessment of the application and appeal, relate to the following:

- Access & Traffic;
- Design & Visual Amenities;
- Residential Amenities.

7.2. Access & Traffic

- 7.2.1. Part of the planning authority's reason for refusing to grant permission for the proposed development was based on the substandard visibility at the proposed entrance onto Pound Road, the additional associated traffic that would arise and the resultant endangerment of public safety. The subject property previously comprised a house served by a vehicular access off Pound Road, while a pedestrian access was only available off Newport Road. Planning permission (MCC Ref. P19/33) granted in July 2019 by the planning authority allowed for extensions to the host house and a new vehicular access from the south off Newport Road and this development appears to be nearing completion. The proposed house subject of this appeal would utilise the existing vehicular access off Pound Road, which would be upgraded as part of the proposed development and the extended host house would use the new access off Newport Road.
- 7.2.2. In assessing the proposed development, the engineers within the Roads Section of the planning authority initially considered that sight visibility of 49m in both directions at the access would be required, as per the requirements of the Mayo County Development Plan 2014-2020. Subsequently, the applicant issued a revised site layout drawing (No.PL(--))05 Rev B), which illustrated 52m sight visibility at the entrance looking east only, while stating that visibility to the west could not be achieved, as it would be restricted by the existing boundaries along the adjoining property. The applicant highlighted that more relaxed standards within the Design Manual for Urban Roads and Streets (DMURS) would allow for the proposed access arrangements. In recommending a refusal of permission, the engineers within the

Roads Section concluded that the sight visibility distances at the proposed entrance would be substandard in both directions. The grounds of appeal assert that it was inappropriate for the planning authority to refuse permission based on concerns relating to sight visibility, as the development would simply use an existing access that had not been abandoned and this access could continue to be used by the host house with or without a permission for the subject proposed development.

- 7.2.3. In granting permission for the adjoining development to extend the host house, the planning authority allowed for a new access to serve the house. Based on the need for 49m of sight visibility at the site entrance, drawing (no. PL(--))05 Rev B) reveals that this can be achieved in an easterly direction. Having visited the site and noted that the boundaries along the front of the adjoining site to the west appear to have been recently removed and a temporary wire-framed security fence has been installed, I am satisfied that visibility of over 49m in line with County Development Plan standards can now also be achieved in a westerly direction. Consequently, I am satisfied that the proposed entrance onto Pound Road would meet the relevant sight visibility standards and the proposed development should not be refused for this reason. Furthermore, other than during the construction phase, the proposed use of the entrance to continue to serve one house, would not attract additional traffic to using this entrance and, therefore, would not lead to additional concerns regarding traffic safety or convenience. Accordingly, the proposed development should not be refused permission for reasons relating to access and traffic.

7.3. Design & Visual Amenities

- 7.3.1. The grounds of appeal assert that the scale and design of the development had been shaped by previous matters raised under a withdrawn planning application (MCC Ref. P17/274) and that while the layout of the development would not strictly follow the pattern of development in the area, the site itself is of sufficient area to accommodate the proposed house. The observers to the appeal assert that the design and siting of the proposed development would be out of character with existing housing in the surrounding area, which is dominated by single-storey bungalow type housing fronting onto the main roads.
- 7.3.2. The site forms the side and rear garden area to a detached house that was recently extended under MCC Ref. P17/274 and features mature trees, which the applicant

states would be maintained as part of the subject development. The grounds of appeal object to the loss of these trees, including a red oak tree.

- 7.3.3. With regard to infill developments, the Development Plan states that development must have due regard to the predominant design features, existing building lines and heights and the existence of particular elements, such as groups of trees and hedgerows, protected structures or open spaces. The appeal site does not have any conservation status.
- 7.3.4. The character of the area is dominated by single-storey housing and the urban grain is largely defined by historical residences occupying deep plots leading west along Newport Road, with more recent housing fronting onto Pound Road occupying the former rear gardens of the older residences. The proposed house would feature uncomplicated form and proportions, including the proposed two-storey element. The proposed house would be set back by over 22m and 53m respectively from Pound Road and Newport Road, similar to the position of the host house. A 10m drop in land levels from Pound Road to Newport Road would result in greater potential for views of the house from the south. A finished-floor level (42.0m) similar to that of the host house (42.027m) is proposed and this would require extensive raising of ground levels in order to increase levels in the part of the site proposed to accommodate the house.
- 7.3.5. As a result of the proposed house position and its scale, intermittent views of the development from the public realm would only be available, with topography, existing housing and mature trees largely restricting views into the site. While recognising the character of surrounding housing, a two-storey structure would not be overly obtrusive in this urban context. It is intended to maintain a number of mature trees and I am not aware of any protection assigned to these trees. It is also intended to plant additional trees as part of the landscaping proposals submitted.
- 7.3.6. In conclusion, I am satisfied that the design and siting of the proposed house would have sufficient respect and regard to the established pattern and character of development in the area. Accordingly, permission should not be refused for reasons relating to the visual impact of the proposed development.

7.4. Residential Amenities

- 7.4.1. The Development Plan requires proposals for houses on infill sites to have regard to the impact on the residential amenities of adjacent houses. The orientation, scale and siting of the proposed house on site relative to neighbouring residential properties, is such that the potential for excessive loss of light or overshadowing of neighbouring properties would not reasonably arise.
- 7.4.2. While recognising the proposed finished-floor level for the house, the positioning and internal layout of the house, a condition to require additional screening along the south and east boundaries of the site would suitably address the potential for excessive overlooking at ground floor into neighbouring properties. High-level windows serving wardrobe space are only proposed on the first-floor east-facing elevations. There is potential for excessive overlooking from the first-floor south-facing windows, which would be located approximately a minimum of 1.5m to 1.75m from the boundaries with an adjoining property. These south-facing first-floor bedroom windows would be approximately 19m from the rear elevation of the nearest house to the south, 'Brefini', and would overlook expansive garden/yard space, including outbuildings. Given the separation distance to the nearest house, which would be similar for the host house, I am satisfied that excessive direct overlooking or loss of privacy would not arise as a result of the proposed development. The proposed house would also be positioned a sufficient distance from residential properties to ensure that it would not be excessively overbearing where visible from neighbouring properties.
- 7.4.3. A target gross floor area of 100sq.m is set out for a two-storey three-bedroom six-person house within the Departmental 'Quality Housing Guidelines'. The proposed house would provide a gross floor area substantially in excess of this at 137sq.m. The minimum living-room areas, aggregate living areas, aggregate bedroom areas, storage areas and natural lighting requirements are all achieved for the proposed house. I am satisfied that the internal space and layout for the proposed house would provide an appropriate level of amenity for future occupants.
- 7.4.4. The third reason for refusal related to the poor quality and disposition of private amenity space to serve the proposed house. Based on Development Plan standards requiring private amenity space equivalent to half the gross floor area of the house,

but not less than 50sq.m, the minimum amount of private amenity space required for the proposed house would be between 50sq.m and 69sq.m. The Plan also stipulates that the private open space should normally be provided behind the building line. Private amenity space of approximately 75sq.m to 100sq.m would be provided to the east and south side of the proposed house and I am satisfied that the extent of space proposed, which would be screened by boundary treatments, would provide a suitable, functional and private amenity space to serve the future occupants of the proposed house.

- 7.4.5. In conclusion, I am satisfied that the proposed development would not injure the residential amenities of the area and would provide a suitable level of amenity for future occupants of the house, in line with the relevant standards.

8.0 Appropriate Assessment

- 8.1. Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the 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. I recommend that planning permission for the proposed development should be granted, subject to conditions, for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. Having regard to the zoning for the site, to the nature and scale of the proposed development and to the existing pattern of development in the vicinity, it is considered that subject to compliance with the conditions below, the proposed development would respect the character of existing development within the area, would be acceptable in terms of visual impact, would not seriously injure the residential amenities of the area or of property in the vicinity, would provide a suitable level of amenity for future

occupants and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. 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 submitted on the 20th May 2019 and as subsequently amended by the further plans and particulars submitted on the 29th day of August 2019, 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. Details of the materials, colours and textures of all the external finishes to the proposed house shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
 - (a) details of all proposed hard surface finishes within the development;
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;

(c) details of tree protection measures;

(d) details of proposed boundary treatments, including heights, materials, finishes and a permanent screen boundary along the southern and eastern boundaries of the site with a minimum height of 1.8m above the finished-floor level of the proposed house.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual and residential amenity.

4. a) The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.
- b) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This Plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, traffic management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

7. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

9. 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.

Colm McLoughlin
Planning Inspector

14th January 2020