



An
Bord
Pleanála

Inspector's Report ABP-307229-20

Development	Demolish a house and construct three terraced houses, amending a previous permission (reference P18/505)
Location	Abbey Street, Cong, County Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	P20/66
Applicant(s)	Larch Properties Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-Party
Appellant(s)	Larch Properties Ltd.
Observer(s)	N/A
Date of Site Inspection	4 th August 2020
Inspector	Colm McLoughlin

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
4.0 Planning History.....	5
5.0 Policy & Context	6
6.0 The Appeal	7
7.0 Assessment.....	10
7.1. Introduction	10
7.2. Development Standards.....	10
7.3. Access, Parking & Traffic	11
7.4. Visual Amenities.....	13
7.5. Archaeology	14
8.0 Appropriate Assessment.....	15
9.0 Recommendation.....	15
10.0 Reasons and Considerations	15
11.0 Conditions	16

1.0 Site Location and Description

- 1.1.** The appeal site is located on the southern side of Cong village in south County Mayo. It is stated to measure 0.06ha and currently comprises a two-storey detached house with a single-storey flat-roof side extension and a front vehicular access onto Abbey Street, which is a one-way route along the R345 regional road leading through the village. Access to the rear of the site is also available from a local road to the west side. With the exception of the eastern boundary adjoining the gable wall to Danagher's Bar & Bistro, the site is otherwise enclosed by stonewalls of varying heights. A single-storey timber shed structure that is overgrown with vegetation is situated along the rear boundary with part of the ruins to Cong Abbey, a national monument. A small pocket park featuring a sculpture in recognition of the filming of 'The Quiet Man' film in the village, is situated on the corner of the road intersection adjoining the site to the west.
- 1.2.** To the north, the immediate area is characterised by single-storey and two-storey buildings, primarily used for commercial and residential uses and fronting onto narrow streets. To the south are a public car park, a church and the remains of an ecclesiastical complex set along both sides of an exit road from the grounds of Ashford Castle. Ground levels on site and in the immediate area are relatively flat.

2.0 Proposed Development

- 2.1.** The proposed development seeks permission for an amendment to a previous planning permission granted by Mayo County Council (MCC) under register reference (reg. ref.) P18/505 and would provide for the following:
- demolition of a two-storey detached house and a single-storey shed to the rear with a stated gross floor area (GFA) of 195sq.m;
 - construction of three two-storey three-bedroom terraced houses, each with vehicular entrances from the north off Abbey Street, and with GFAs of approximately 112sq.m, 120sq.m and 129sq.m;
 - connections to local services, landscaping, bin stores, bike stand and boundary treatments, including replacement stonewall along part of the western boundary.

- 2.2.** In addition to the standard planning application documentation and drawings, the application was accompanied by a Report for the Purposes of Appropriate Assessment Screening and an Archaeological Impact Assessment report.

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 two reasons, which can be summarised as follows:

Reason 1 - the proposed development would significantly detract from the visual and historical prominence of Cong Abbey, a national monument, and would therefore, materially contravene Objective AoH-01 of the Mayo County Development Plan 2014-2020;

Reason 2 – the development would feature limited provision of adequate private open space and a lack of sufficient car parking, and it would lead to overdevelopment of a relatively restricted site that would injure the amenities of the area and would depreciate the value of property in the vicinity.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

The recommendation within the report of the Planning Officer (March 2020) reflects the decision of the planning authority and notes the following:

- three car parking spaces are required for each three-bedroom house based on Development Plan standards, and despite the parking credit afforded to the existing house, a shortfall in car parking would arise;
- the development would not be in keeping with the historical value of the village;
- internal rear boundaries were not proposed under the previous permission (MCC reg. ref. P18/505) and the planning authority's archaeology section advised that a 4.5m-wide development exclusion zone should be provided from the southern boundary with the abbey ruins. With the proposed

subdivision, this would result in a lack of adequate rear private amenity space for residents.

3.2.2. Other Technical Reports

- Area Engineer – refer to Road Design section for comments;
- Environment Section – further analysis with respect to preliminary flood risk assessment is not required;
- Archaeology Section – comments provided during consultation under MCC reg. ref. P18/505 still stand;
- Water Services – no response.

3.3. Prescribed Bodies

- Department of Culture, Heritage & the Gaeltacht – no response;
- Irish Water – no response;
- An Taisce – no response.

3.4. Third-Party Observations

3.4.1. None received.

4.0 Planning History

4.1. Appeal Site

4.1.1. Pre-planning consultation is stated to have taken place between representatives of the planning authority and the applicant in September 2019. The appeal site has an extensive planning history, as referenced in the planning authority's report, including the following most recent planning application:

- Reg. ref. P18/505 – permission granted by the planning authority in July 2019 for the demolition of the house and shed on site, and the construction of two semi-detached houses measuring stated GFAs of 273sq.m and 112sq.m. Conditions 8 to 13 of the permission relate to archaeological requirements.

4.2. Surrounding Sites

- 4.2.1. Recent planning applications along Abbey Street primarily relate to alterations and extensions to existing buildings.

5.0 Policy & Context

5.1. Mayo County Development Plan 2014-2020

- 5.1.1. Within the Development Plan, the village of Cong is placed in the third tier of the county settlement strategy and policy P05 aims to sustainably develop settlements of this scale. Objectives UH-03 and UH-04 relating to the quality and design of urban housing are relevant. Objective AoH-01 of the Development Plan sets out requirements primarily aimed at protecting the archaeological heritage of the County. Volume 2 of the Development Plan provides development management standards, including density, parking, access and amenity space standards for housing in urban areas. The Plan also briefly addresses issues relating to privacy, overshadowing, as well as access to sunlight and daylight. Appendix 5 of the Plan addressing environmental assessments, outlines the necessity for archaeological assessments as part of applications for certain developments and requirements with respect to archaeological or historical features of interest.

5.2. National Guidelines

- 5.2.1. The following planning guidance documents are relevant:
- Architectural Heritage Protection Guidelines for Planning Authorities (2011);
 - 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).

5.3. Natural Heritage Designations

5.3.1. The nearest designated European sites to the appeal site, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), are listed in table 1 below.

Table 1. Natural Heritage Designations

Site Code	Site Name	Distance	Direction
004042	Lough Corrib SPA	640m	south
000297	Lough Corrib SAC	640m	south

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 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

- the house on site, which dates from the 1960s, is only intermittently used and has an extensive planning history;
- the previous permitted proposals (reg. ref. P18/505) were the subject of extensive environmental assessment, including archaeological investigations, in consultation with relevant parties;
- the planning authority's assessment contradicts the conclusions reached with regards to the previously permitted development (reg. ref. P18/505), given that the only noticeable visual change in the subject proposals would be an additional front door;

- in light of the previous permission, it is difficult to comprehend how the revised proposals injure the amenities of the area or could now be considered to detract from the setting of Cong Abbey or to contradict objective AoH-01 of the Development Plan;
- extensive consultation with the planning authority was undertaken to ensure that the proposals were in keeping with the character of the area, including the architectural styles supported in the Draft Cong Village Design Statement;
- the revised proposals represent a more economically viable means of developing the site and it is intended that the houses would be used as holiday homes by the applicants;
- depreciation in the value of property would not arise; on the contrary, where increased densities are permitted, property prices are known to rise;
- it is difficult to appreciate that the proposals could be considered to result in overdevelopment of the site, when the relevant standards are being met;

Development Standards

- proposals adhere to site coverage, residential room size and open space requirements;
- the proposed houses would avail of 305sq.m of open space on site, which would meet the planning standard requirement of 100sq.m per house, and would exceed the private open space typically available for housing in the village;
- extensive accessible recreational amenities are available in the immediate area;
- following archaeological investigations, a 4.5m buffer from the rear boundary and a protective top layer is required to be provided in order to comply with conditions attached to the previous permission (reg. ref. P18/505). To comply with archaeological requirements, internal amenity space boundaries were not provided, but the appellant would be satisfied to install same via condition without foundations interfering with ground conditions;

Traffic and Parking

- one off-street car parking space per house is proposed, as well as one on-street car parking space, on the basis that two off-street car parking spaces were previously permitted for each of the two houses and two on-street spaces would also be required;
- the development would provide a new stretch of footpath along Abbey Street to the benefit of public and road safety;
- traffic congestion and parking is not problematic in Cong, with available spaces within public car parks, and various services within walking distance of the appeal site.

6.2. Planning Authority Response

6.2.1. The response of the planning authority to the grounds of appeal can be summarised as follows:

- pre-planning discussions regarding the potential for three houses on site did not take place and the planning officer had all information required to make a recommendation, including details of the planning history of the site and previous related meetings;
- the proposals lack adequate private open space with no internal rear boundaries, poor configuration of this space and inadequate rear garden depths. Further subdivision of the rear amenity space would be injurious for residents;
- nine car parking spaces are required in total for the development, whereas only three spaces are being proposed. The shortfall of six car parking spaces could not be accommodated off-site, due to the existing yellow-lines along the immediate streets and the high demand for parking in the village, particularly during tourist seasons;
- the modern terrace development would not be in keeping with the historical value of the village, given its prominent focal point location in the streetscape.

6.3. Further Submissions

- 6.3.1. Following consultation by An Bord Pleanála with The Heritage Council, Fáilte Ireland, The Arts Council, An Taisce and the Department of Culture, Heritage and the Gaeltacht, no responses were received.

7.0 Assessment

7.1. Introduction

- 7.1.1. Planning permission granted by the planning authority in July 2019 under reg. ref. P18/505 allowed for the demolition of the detached house on site and the construction of two semi-detached houses measuring a stated GFA of 112sq.m and 273sq.m. The detached house remains in situ and it is now proposed to amend the previous permission by subdividing the larger of the two permitted houses into two houses, in order to create a terrace of three houses. The subject proposals incorporate revised building elevations in order to provide an additional front door to the third house, and the revised provision of three vehicular accesses onto Abbey Street serving three off-street car parking spaces for the houses. Consequently, I consider the substantive planning issues arising from the grounds of appeal and in assessing the proposed development are as follows:

- Development Standards;
- Access, Traffic & Parking;
- Visual Amenities;
- Archaeology.

7.2. Development Standards

- 7.2.1. While the response to the grounds of appeal refers to the intention for each of the three houses to be used as family holiday homes by the applicants, based on the application documentation submitted, including statutory notices, I am satisfied that the development should be assessed against standards for urban housing. Accordingly, the proposed development is most suitably assessed with regard to housing standards in Volume 2 of the Mayo County Development Plan 2018-2024

and the relevant national guidelines for urban housing; 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007).

- 7.2.2. The proposed houses would be provided with gross floor areas of between 112sq.m to 129sq.m, which would be substantially in excess of target standards (92-100sq.m) set out within the Department's 'Quality Housing Guidelines'. The minimum room widths, as well as living-room areas, aggregate living areas, aggregate bedroom areas, storage areas and natural lighting requirements are all achieved for each of the proposed house types. I am satisfied that the internal space and internal layouts for the proposed houses would also provide an appropriate level of amenity for future occupants.
- 7.2.3. The reasons for refusal issued by the planning authority refer to the limited provision of adequate private open space for the houses. The Development Plan requires private amenity space behind the rear building line of new houses, albeit in estate settings, amounting to a minimum of 100sq.m and with a minimum depth of 10m. The total private amenity space to the rear would amount to approximately 171sq.m, which could be subdivided to provide approximately 57sq.m for each house. Minimum garden depths of 6.5m to 8.5m would only be achieved. While the proposed amenity space provision per house and depth is below the aforementioned standards, given that the standards are stated to apply to housing within estates and the site's constrained urban infill context, with extensive recreational areas in the immediate area, I am satisfied that the provision of rear amenity space, as proposed, would be acceptable. Should permission be granted, a condition is required to ensure a suitable subdivision of the rear private amenity space, including the provision of internal boundaries.
- 7.2.4. In conclusion, I am satisfied that the proposed development would provide a suitable level of amenity for future residents of the houses and the proposed development should not be refused based on any shortfalls in the development standards.

7.3. Access, Parking & Traffic

- 7.3.1. The planning authority's reasons for refusal refer to the proposed development being provided with an insufficient provision of car parking spaces. The Area Engineer for

the Planning Authority did not specifically comment on the proposed development other than to request that the comments of the Roads Design team are sought. Abbey Street forms part of a single-lane one-way section of the R345 regional road leading through Cong. A double-yellow line extends along the entire frontage of the site and along the side road to the west leading from the grounds of Ashford Castle. No loss of on-street parking would arise from the development, nor would there be restricted visibility onto the roadside. The layout of the development, including individual entrances, would not be prejudicial to traffic safety and the proposed footpath along Abbey Street would improve safety and pedestrian access in the area. The proposed houses would be provided with sufficient space to accommodate at least one car each within their respective curtilages. The Development Plan requires two car parking spaces for a three-bedroom house, as well as one additional space for visitor parking. Consequently, the planning authority consider that nine car parking spaces are required for the development and that the shortfall of six car parking spaces could not be accommodated off-site, due to the existing yellow-lines along the immediate streets and the high demand for parking in the village, particularly during tourist seasons. While numerous cars were parked over double-yellow lines when I visited the site and the village during August, parking was available in the neighbouring public car parks within 50m and 200m of the site, as well as in neighbouring on-street locations. Consequently, I am satisfied that there would be ample proposed and existing provision of available car spaces to accommodate the development.

- 7.3.2. While I recognise that the houses would to some extent attract additional traffic to the area, this would be largely imperceptible and would not lead to concerns regarding traffic safety or convenience. I also recognise that the proposed development would attract additional traffic to the area during the construction period. However, the impacts of this construction-related traffic would be for a temporary period and can be suitably addressed within a construction management plan for the proposed development to be agreed with the planning authority. Accordingly, the development should not be refused permission for reasons relating to access, parking and traffic.

7.4. Visual Amenities

- 7.4.1. Part of the planning authority's reasons for refusal refers to the proposed development significantly detracting from the visual and historical prominence of Cong Abbey, a national monument. The grounds of appeal assert that this is inconsistent with the planning authority's decision in July 2019 to grant planning permission for the two houses under MCC reg. ref. P18/505. I note that the building size, scale and location would be the same as that previously permitted, with only minor elevation changes to the front. The proposed two-storey development would provide for the demolition of a two-storey detached house and a single-storey outbuilding, both of which are not of substantial architectural importance.
- 7.4.2. I recognise the historical character of the village and the setting of the site relative to the pocket park to the west and the national monument adjoining to the rear, including Cong Church, which is included in the National Inventory of Architectural Heritage (NIAH) (ref. 31216011). The appeal site does not have conservation status and the proposed development would largely follow the existing street layout, with the primary frontage onto Abbey Street, as well as the building line to the east. The boundary wall along Cong Church would also remain in situ.
- 7.4.3. The scale, height and proportions of the proposed building would follow those prevailing for neighbouring buildings, although the building would have a more contemporary appearance. Objective UH-04 of the Development Plan encourages an appropriate scale, design and density of development, compatible with the intrinsic character and scale of smaller settlements. In conclusion, I am satisfied that the proposed development would not unduly interfere with the setting or character of neighbouring buildings of historical merit, and the proposed development would be in keeping with the density, character and pattern of development in the village.
- 7.4.4. The reasons for refusal issued by the planning authority refer to the potential for the proposed development to depreciate the value of property in the vicinity. Arising from this assessment, in particular with regard to the impact of the proposed development on neighbouring visual amenities, and cognisant of the fact that the site is subject to a recent extant permission for a similar nature and scale of development to that now proposed, and the present condition of this urban infill property, 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.

7.5. Archaeology

- 7.5.1. The village of Cong is included within the national Record of Monuments and Places (RMP) (Ref. MA120-053) and the site backs onto an area of archaeological and architectural significance, including an historic graveyard to Cong Church and the remains of Cong Abbey or Priory (Augustinian), a national monument in state care mostly dating from the thirteenth century. Following an archaeological assessment of the site as part of the previous application for planning permission (MCC reg. ref. P18/505), it was initially highlighted that there was potential for sub-surface archaeological features such as burials, deposits and/or artefacts given the site context, and pre-development testing was advised. The archaeological testing carried out under Ministerial consent, including five test trenches, revealed three in-situ burials, a large number of disarticulated human bone fragments and the remains of a domestic dwelling of 18th or 19th-century origin along the Abbey Street frontage. An osteo-archaeological report on disarticulated human skeletal remains was also provided by the applicant as part of this previous assessment. The archaeologist for the planning authority subsequently advised the attachment of six conditions to the permission (MCC reg. ref. P18/505) to protect, conserve and record the archaeological remains. The archaeologist for the planning authority has advised that their comments regarding the previous application remain relevant in the consideration of the subject proposals. Consequently, should permission be granted for the subject proposed development, the conditions attached to the parent permission, which this application would amend (MCC reg. ref. P18/505), should also be required to be complied with. I am satisfied that with the attachment of a condition tying the proposed development to the terms of the parent permission, including the archaeological requirements, the proposed development would appropriately allow for the preservation and recording of archaeology and would safeguard the integrity and setting of an adjoining archaeological site.
- 7.5.2. Included within the planning authority's reasons for refusal, it is stated that the proposed development materially contravenes objective AoH-01 of the Development Plan. This is a broad objective containing ten items aimed at protecting through

various means a range of features of archaeological heritage in the county. In my opinion, the objective is not sufficiently specific so as to justify the use of the term 'materially contravene' in terms of normal planning practice and based on my assessment above, the archaeological heritage of the county would not be undermined by the proposed development. Furthermore, the planning authority did not consider the previous similar permitted development to materially contravene the Development Plan. The Board should not, therefore, consider itself constrained by Section 37(2) of the Planning and Development Act 2000, as amended.

8.0 Appropriate Assessment

8.1. Having regard to the minor nature of the proposed development including connections to services, the existing development on site, the location of the site in a serviced urban area and the separation distance to the nearest European sites, 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 planning history for the site, to the location, nature, scale and layout of the proposed development, to the existing development on site 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 provide a suitable level of amenity for future occupants, would be provided with an appropriate provision of car parking, would not detrimentally impact on traffic safety or convenience, would respect the character of existing development within the area and would not injure the character, setting and integrity of archaeological and

architectural features on site and in the immediate area. 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, 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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on the 8th day of July 2019 under planning register reference number P18/505, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the 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 proposed internal boundary treatments, including heights, materials and finishes.

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

Reason: In the interest of visual amenity and to conserve the previously identified archaeological remains that exist within the site.

4. Water supply and 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 and to ensure a satisfactory standard of development.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health and to ensure a satisfactory standard of development.

6. The construction of the development shall be managed in accordance with a Construction and Environmental 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 and demolition waste.

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

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. Proposals for a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

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

21st September 2020