

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

## County Westmeath

**Planning Register Reference Number: 127/6229**

An Bord Pleanála Reference Number: ABP-300168-17

**APPEAL** by Richard Smith of 1 Millmount, Ballinderry, Mullingar, County Westmeath against the decision made on the 13<sup>th</sup> day of October, 2017 by Westmeath County Council to refuse permission for development comprising the proposed subdivision of the existing property and rear garden into two separate residential dwellings (116 square metres and 93 square metres) and retention of 7.6 square metres single storey side extension and of ground floor window from garage door on front elevation, all at 1 Millmount, Ballinderry, Mullingar, County Westmeath in accordance with the plans and particulars lodged with the said Council.

## DECISION

**GRANT** permission for retention of 7.6 square metres single storey side extension and of ground floor window from garage door on front elevation, in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. **REFUSE** permission for the proposed subdivision of the existing property and rear garden into two separate residential dwellings based on the reasons and considerations marked (2) under.

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS (1)

Having regard to the nature and scale of the development proposed for retention and the existing pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the elements of the development proposed to be retained would not seriously injure the residential amenities of the area and would be in accordance with the stated planning policy outlined under section 9.9.2 of the Mullingar Local Area Plan 2014-2020 (Extensions and alterations to Dwellings). The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. These elements of the development shall be retained 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 and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The door provided in the porch extension shall serve as an additional entrance to the existing dwelling and the existing dwelling shall not be subdivided.

**Reason:** In the interest of orderly development.

## REASONS AND CONSIDERATIONS (2)

Section 9.9.1 (Conversion of Existing Houses to Apartment Accommodation) of the Mullingar Local Area Plan 2014-2020 provides that, in general, there is a presumption in favour of retaining houses suitable for family accommodation in their original undivided form and that sub-division will only be acceptable in areas which are characterised by large houses on relatively extensive sites which are well served by public transport and where subdivision into a number of units would not result in a dramatic alteration to the character of the area. The proposal to sub-divide one of two adjoining semi-detached house into two residential units on a site which is not extensive in scale, would be unrepresentative of the established character of the area and would result in an unacceptable change to the established character. The proposal would lie contrary to the provisions of Section 9.9.1 of the Local Area Plan and would, if permitted, set an undesirable precedent for similar such sub-division of other semi-detached houses on similar sites. Furthermore, by virtue of the awkward layout and constrained configuration of the rear private amenity space proposed, where one rear garden would wrap around the other, this would result in a poor standard of residential amenity for existing and future occupants of the residential units because of the lack of qualitative private open space which would be provided. The proposed development is therefore considered to lie contrary to the provisions of the Mullingar Local Area Plan 2014-2020 and would not, therefore, be in accordance with the proper planning and sustainable development of the area.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this                      day of                      2018.**