

Planning and Development Acts 2000 to 2022

Planning Authority: Mayo County Council

Planning Register Reference Number: 211291

Appeal by John Craven of Doonanarrou Upper, Garranard, Ballina, County Mayo against the decision made on the 9th day of February, 2022 by Mayo County Council to refuse permission for the proposed development.

Proposed Development: Construction of one number detached dwelling house incorporated into the development granted under planning register reference number 19/119 with connections to public sewer and public water main and including all other ancillary site works/services, all at Ardoughan, Ballina, County Mayo.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

TVHO 7 of the Mayo County Development Plan 2022-2028 seeks to ensure the provision of adequate areas of *'high quality, safe and overlooked open space within residential developments'*. TVHP2 of the Mayo County Development Plan 2022-2028 supports the creation of attractive residential developments with a range of housing options and appropriate functional public and private open space that is consistent with the standards and principles set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the associated Urban Design Manual – A Best Practice Guide, published by the Department of the Environment, Heritage and Local Government (2009) and any subsequent guidelines. Section 4.7.1 of the Mayo County Development Plan 2022-2028 refers to the location, siting and design of public open spaces and states that public spaces should be safe, therefore “passive surveillance” is to be considered, and that “houses should front onto open spaces thereby creating a high level of natural and passive surveillance”.

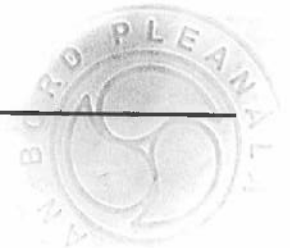
In deciding not to accept the Inspector's recommendation to grant permission, the Board considered, in the context of the provisions of the Mayo County Development Plan 2022-2028 and the Urban Design Manual – A Best Practice Guide, published by the Department of the Environment, Heritage and Local Government (2009), not only the percentage residual open space but also the location and siting of the open space which would be impacted if the proposed development were to be granted permission. If permission were granted for the proposed development, this would result in loss of high quality open space in a location which is currently overlooked from the front of houses in the centre of this development. The Board therefore agreed with the planning authority that the proposal would seriously injure the amenities of the properties in the area. The proposed development would, therefore not, be in accordance with the proper planning and sustainable development of the area.

The Board noted that CSO 3 of the Mayo County Development Plan states that during the transition period between the adoption of the County Development Plan and the adoption of the local area plans for Ballina, Castlebar and Westport, the objectives (including zoning objectives), policies and standards in the Mayo County Development Plan 2022-2028 shall apply to these towns. Having regard to the location and siting of the proposed residual open space, the Board considered that the proposed development would contravene Section 4.7 and in particular 4.7.1 of the Mayo County Development Plan 2022-2028.



Mary Cregg

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



Dated this 13th day of July 2023.