

An
Coimisiún
Pleanála

Commission Order
ABP-322121-25

Planning and Development Acts 2000 to 2024

Planning Authority: Mayo County Council

Planning Register Reference Number: 24491

Appeal by Michael John MacNamara care of Patrick O'Grady of O'Grady Consulting Engineers Limited of Chapel Design Studio, Chapel Street, Castlebar, Garraí Mhici, County Mayo against the decision made on the 24th day of February 2025, by Mayo County Council, to grant, subject to conditions, a permission to James M Kelly of The Hill, Pollagh, Slievemore, Achill, County Mayo in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of existing domestic garage and alterations to elevations as constructed dwellinghouse and ancillaries at Pollagh, Slievemore, Achill, County Mayo.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

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Reasons and Considerations

Having regard to the nature, scale and extent of the development for which retention permission is sought, to the pattern of development in the area, which includes individual residences on differently sized curtilages, with different design forms and positioning on their respective sites including orientation towards, and distance to, adjoining roadways, it is considered that, subject to compliance with the following conditions, the development for which retention permission is sought would not seriously injure the amenities of the area, would constitute an appropriate form of building development at this location and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to issue a split permission, the Commission first off agreed fully with the recommendation of the Inspector to grant retention permission for the alterations to the elevations of the dwelling house. On the issue of the garage structure, the Board did not share the opinion of the Inspector that this structure would be visually dominant when viewed from the public road and from the south-east and north-west. Specifically, the Commission considered the extent of development within this wider area, and the distance to other buildings, and determined that the garage would be readily subsumed into the extensive openness of this area. The Commission also noted the location of proposed planting along the northern boundary and at other positions within the subject site. It is considered that this will soften the visibility of the overall development including the garage structure. On the related issue of building line policy within the Mayo County Development Plan 2022-2028, the Commission considered the totality of this policy and the overall consideration of proper planning and sustainable development. In this regard the Commission determined that there is no established building line at this location.



Furthermore, the Commission considered that the position of the garage at this rural location, in an area where no building line exists and where the pattern of development is effectively bespoke to each site upon which there are structures, would not reasonably constitute the creation of a new building line, within the overall meaning of the relevant development plan policy, which states, 'a building line is a line beyond which no building may extend to ensure that the street/line of buildings will appear uniform'. The Commission determined therefore, that the garage would not be inconsistent with the totality of relevant development plan policy for housing and associated structures in rural areas and would otherwise be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development for which retention permission is sought shall be retained 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.

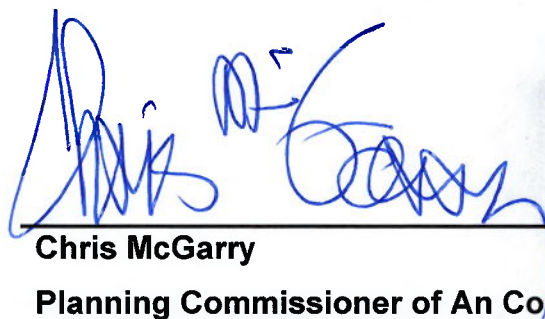
Reason: In the interest of clarity.

2. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. 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 Coimisiún 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.



Chris McGarry

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 27th day of June 2025.