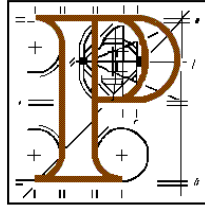


An Bord Pleanála



Inspectors Report

Development: Retention of minor alterations to house previously granted under P06/1073

Planning Application

Planning Authority: Mayo County Council
Planning Authority Reg. Ref. P15/461
Applicant: Winnie Keegan
Type of Application: Permission
Planning Authority Decision: Grant

Planning Appeal

Appellant(s): Winnie Keegan

Observers: None

Type of Appeal: First Party against Condition

Date of Site Inspection: 15/12/2015

Inspector: Gillian Kane

1.0.0 SITE LOCATION AND DESCRIPTION

1.0.1 The subject site is located on a third class road, approx. 3km south of the village of Attymass in North Mayo. The area is rural in character with scattered one off dwellings along the road frontage. The subject dwelling and a neighbouring dwelling (vacant) to the north are located at a cross roads. Both dwellings are similar in design: single storey with a projecting porch finished in stone cladding, vast tarmac driveways and landscaped gardens. The subject dwelling has two dormer windows projecting from the tiled roof with a single velux window between.

1.0.2 Photographs and maps in Appendix 1 serve to describe the site and location in further detail.

2.0.0 PROPOSED DEVELOPMENT

2.0.1 Permission was sought for the retention of minor alterations to a previously permitted dwelling house comprising dormer windows (in place of permitted velux), omission of barges on the end of the pitched roof, shape of sunroom including a hipped roof and gable window on the western elevation.

2.1.0 Reports on File following submission of application

2.1.1 **Ballina Area Office:** Grant subject to condition that applicant shall prevent chippings from the driveway accessing the public road.

2.1.2 **Planning Report:** Notes that planning permission was granted for a dwelling with velux windows and a pitched roof in 2006. Planner notes no objection to removal of barges or quoins but states that the dormer windows and hipped roof are contrary to rural housing design guidelines 2014 -2020.

3.0.0 PLANNING AUTHORITY DECISION

3.0.1 By order dated 16/09/15 a notification of decision to GRANT permission subject to 4 no. conditions issued. Condition no. 4 states: "Within one year of the grant of this permission, the applicant shall carry out the following: a) the roof dormers replaced with velux windows. When these works have been carried out submit written confirmation of same to Mayo County Council. Reason: In the interest of visual amenity"

4.0.0 PLANNING HISTORY

4.0.1 **P06/1073:** Planning permission was granted by Mayo County Council for a dwellinghouse, subject to 19 no. conditions. Drawing no. P1320 shows velux windows on the front elevation of a pitched roof with barge boards at each end of the roof profile of the proposed dwelling. The drawing shows a single storey sun room on the eastern side, with a tiled pitched roof of similar profile to the main roof.

5.0.0 LOCAL POLICY

5.1.0 MAYO COUNTY DEVELOPMENT PLAN 2014-2020

5.1.1 The subject site is located in an unzoned rural area. Volume 1 of the CDP refers to two Rural Area types – Structurally Weak Areas and Rural Areas under Strong Urban Influence. The subject site is in a Structurally Weak Area. Policies relating to residential development in such areas include:

5.1.2 **P-06** It is the policy of the Council to support the sustainable development of the countryside and rural villages in the County.

HG-01 It is an objective of the Council to facilitate the provision of suitable housing including type, size, design and tenure, in the County in accordance with the Core Strategy Tables (Table 1(A-C)), the Mayo Housing Strategy and the Development Guidance document accompanying this Plan.

RH-01 It is an objective of the Council to ensure that future housing in rural areas complies with the *Sustainable Rural Housing Guidelines for Planning Authorities 2005* (DoEHLG), Map 1 Core Strategy Conceptual Map and the Development Guidance document of this Plan.

RH-02 It is an objective of the Council to require rural housing to be designed in accordance with the Design Guidelines for Rural Housing (Mayo County Council). Consideration will be given to minor deviations from the guidelines where it can be demonstrated that the deviation will not have an adverse visual impact on the landscape or on local residential amenity in the Area.`

5.1.3 The Landscape Character Assessment of the County identifies the subject site as being within Policy Area 4 – Drumlins and Inland Lowland. **Section 4.1.5.** states that these undulating areas of pasture, woodland and forest make up the remainder of the County and are considered to have a generally similar ability to absorb development. Many of these areas are underlain by glacial drumlins and incorporate low-lying lakelands.

5.2.0 Mayo Rural Housing Design Guidelines 2008

5.2.1 The rural house design guide which is referred to in policy HG-01 and RH-01, aims to encourage the use of traditional forms, scale and materials that have a proven history of blending into the landscape. **Section 4.4** of the design guide provides direction for the design of roofs in rural areas advising that solid, full or half dormers are acceptable but that dormers projecting through the roof plane should be avoided. **Section 6.2** in the chapter on sustainability advises that elaborate projecting features such as dormer and bay windows should be avoided to achieve maximum energy efficiency.

6.0.0 GROUNDS OF APPEAL

6.0.1 The agent for the first party states that they wish to appeal against condition no. 2 of the Council's notification of intention to grant. The applicant wishes to retain the dormer windows on the grounds that the 2003 – 2009 Mayo County Development Plan does not prohibit dormer windows and numerous dwellings with dormer windows were permitted during the life time of the development plan. The applicant submits that the existing dwelling complies with Objectives DF-HC 6 and DF-HC 7 of the 2003 plan which require that new rural houses respect the vernacular traditions of the countryside and are of the highest design standards. It is submitted that the dormer windows are a traditional feature to the front of houses in the countryside.

6.0.2 It is submitted that the removing the dormers will require new roof tiles which will not match the exiting roof and that it is not financially feasible to replace the entire roof slates.

6.0.3 It is submitted that there is a precedent for dormer windows in the area, with 4 no. photographs submitted.

7.0.0 RESPONSES

7.1.0 Planning Authority Response

7.1.1 None on file.

8.0.0 OBSERVATIONS

8.0.1 None on file.

9.0.0 ASSESSMENT

9.0.1 On reading of all documentation submitted with the appeal, I consider the issues to be:

- Principle of the proposed development
- Rural Housing Design Guide
- Appropriate Assessment

9.1.0 Principle of the Proposed Development

9.1.1 Permission was sought to retain elements of the subject dwelling that were not in compliance with the development as permitted, namely the use of dormer windows in the place of velux, the shape and roof profile of the attached sunroom, the barge board treatment of the roof and the provision of an additional window in the gable at first floor level. The applicants agent has indicated that they wish to appeal only condition no. 2 of the notification of intention to grant retention permission.

9.1.2 Subject to section 139 of the Planning and Development Act, as amended, having regard to the nature of the condition, it is considered that a de novo assessment of the development is not warranted in this instance.

9.2.0 Rural Housing Design

9.2.1 As can be seen from the attached photos and as described in section 1.0.1 above, the subject dwelling and its immediate neighbour are similar in scale, design and finishes. The subject dwelling with its additional features – two chimney stacks and two projecting dormer windows - on the tiled pitched roof appears cluttered in comparison to the neighbouring roof profile. However, in when viewed in context, the projecting dormers mirror the projecting bay windows on the ground floor. The front elevation of the subject dwelling is cluttered – with velux , chimney breasts, bay windows, and dormer windows.

9.2.2 I remain unconvinced that the removal of the two dormer windows and their replacement with velux windows (as proposed in the parent permission) would represent a significant improvement on the existing, or that it would accord to a greater degree with the design guide. The design guide produced by the Council for dwellings in the Mayo countryside requests that dormer windows projecting through roof planes be avoided but allows for dormers that are an extension of the elevation wall.

9.2.3 The development plan allows for flexibility in compliance with the design guide where minor deviations from the guidelines do not have an adverse visual impact on the landscape or on local residential amenity in the Area (policy RH-02). I am satisfied, in this single instance, the use of dormer windows is not a material deviation of the design guide. The subject dormers do not have a visual impact outside of the subject site and certainly not one significant enough to be considered an adverse visual impact on the landscape or local residential amenity. I am satisfied that the subject dwelling is largely in compliance with policy RH-02 and that the dormer windows need not be replaced with velux for the dwelling to comply with the design guide. I recommend that condition no. 2 should be omitted from the permission.

9.3.0 Appropriate Assessment

9.3.1 The site is approx. 2km east of the River Moy SAC. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and or proximity to the nearest European site, no appropriate assessment issues arise and it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European site.

10.0.0 RECOMMENDATION

10.0.1 I have read the submissions on file, visited the site, and have had due regard to the provisions of the Mayo County Development Plan 2014 - 2020, the Mayo Rural Design Guide and the planning history of the site. having regard to the above I recommend that the appeal be determined under section 139 of the Planning and Development Act, as amended that the Mayo County Council be directed to REMOVE condition no. 2 and the reason therefore.

11.0.0 REASONS AND CONSIDERATIONS

11.0.1 The subject dormer windows are considered to be a minor deviation of the Mayo Rural Housing Design Guide and as such are in accordance with policy RH-02 which allows for minor deviations where the overall impact is not such as to have an adverse visual impact on the landscape or local residential amenity of the area.

DECISION

- 11.1.0** Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE condition number 2 and the reason therefore

Gillian Kane
Planning Inspector
22/12/15