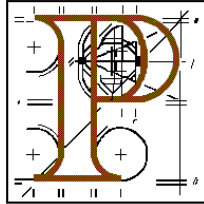


An Bord Pleanála



Inspector's Report

Development: Change of use of existing building from machinery workshop to house and all associated site works.

Location: Quay Street, Westport, Co Mayo.

Planning Application

Planning Authority: Mayo County Council

Planning Authority Reg. Ref.: 15/504

Applicant: Mweelaun Limited

Type of Application: Permission

Planning Authority Decision: Refuse Permission

Planning Appeal

Appellant: Mweelaun Limited

Type of Appeals: 1st v Refusal

Date of Site Inspection: 17th February 2016

Inspector: Dolores McCague

1 SITE LOCATION AND DESCRIPTION

- 1.1 The site is located on the inside of a bend on a steeply sloping road known as Quay Street which climbs from just south of the Octagon in the Westport town centre, to cross a hill and continue west as Quay Road to Westport Quay.
- 1.2 The subject site falls away steeply from the road, towards Church St, a short street to the north east of the subject site, which leads to the boundary of Westport Demesne. The rear garden of the subject site backs onto the rear garden of a building on Church St. Rear gardens of other buildings on Church St extend to Quay Street; this site may be a previous subdivision of such a rear garden. Due to the location of the subject site relative to Church St, the rear of properties on Church St can be overlooked from the subject site, and also from the public road. Some screening is afforded by vegetation. Nearby, to the south west there is a long single storey building in use as a stone masons'. On the opposite side of the street two storey dwellings form the street edge.
- 1.3 There is a masonry wall along the front of the site and along the roadside boundaries of adjoining properties. A pedestrian gate accesses the site from the public footpath. An existing building, presenting a single storey elevation to the front, occupies the full width of the site. There is a small garden to the front, at street level. To either side there are steeply sloping gardens which evidence the fact that the ground on this site is filled.
- 1.4 The site is occupied by a modest single storey building with a double pitched roof and with two windows and a door to the front. The doorway is narrow, similar to a domestic doorway. There is also a lower ground floor level, which is expressed in the rear elevation, where there is a single window at first floor and a window and domestic type doorway at (lower) ground floor. There are no windows in the gable elevations which are boundary walls. The building is not currently in use and an auctioneer's sign on the front indicates that it has recently been sold. Inside the building the ground floor, street level, is undivided and reasonable well lit with front and rear windows. An unprotected stairs along the western gable wall, leads to the lower ground floor. At lower ground floor, the area is also undivided but not well lit and has only a single rear window. A door accesses the rear garden which falls away steeply from the rear of the building.

- 1.5 The exact nature of the former use as a machinery workshop is unclear but the narrow access via a pedestrian gate from the road, and via a narrow doorway, indicates that it was not used for the repair of large machinery or large machinery parts. Residues of oil from the previous use was still detectable from staining of the floorboards and a strong odour.
- 1.6 There is no vehicular access to the site and no on-site parking. A double yellow line extends from the direction of the town centre as far as the gateway to the site. Notwithstanding that parking is permitted along the road at the front of the site, a vehicle parked at the front of the stone masons, was partly up on the footpath, on the date of inspection.
- 1.7 The site is given as 0.134ha.

2 PROPOSED DEVELOPMENT

- 2.1 The proposed development is the change of use of an existing building from machinery workshop to house. The change of use involves, at street level, internal alterations to create a living room/kitchen with a solid fuel stove (flue projecting above roof level only) and a centrally located stairs; and at lower ground level, internal alterations to create two bedrooms and a bathroom. External alterations proposed at street level include a window in the eastern gable; a window in the rear elevation, in a similar location to the existing window but extending from floor to ceiling; and at lower ground level, two pairs of French doors, with a small bathroom window in between. It is also proposed to create a level platform at lower ground level extending 3.6m from the rear doors. Connections to the public watermain and public sewer are proposed from mains to the front of the site. Details of how this is to be achieved are not given.

3 PLANNING AUTHORITY DECISION

- 3.1 The application was submitted on the 10th August 2015.
- 3.2 Technical Reports
- 3.3 Mayo National Roads Design Office – the file to be referred to Roads Design no issues arise for the National Roads system.

- 3.4 Transport Infrastructure Ireland – refer to guidelines.
- 3.5 Request for further information – 1st October 2015 on a single point; requesting a section through the site from Quay Street to the adjoining property to the rear.
- 3.6 Further information submitted – 13th November 2015.
- 3.7 Planning report – 8/12/2015 – applicant argues that the proposed development results in a reduction in car parking requirement from 3 to 2 spaces. The applicant quotes from the car parking standards set out in section 7.4.1 of the plan, as requiring 1 space for every 25m² of workshop space and 2 for a dwelling; in fact the plan requires 1 space for every 65m² of light industrial space. This results in the requirement to provide an extra parking space for the 70.8m² change of use of the structure.
- 3.8 The report refers to a previous Board decision to permit the structure further to a third party appeal, (planning authority reg. ref. PD500.

The site is zoned B town centre in the Westport Town and Environs Plan 2010-2016.

The elevated location of the existing structure and the proposed inclusion of a patio-style balcony door at first floor level in the rear elevation, would lead to serious overlooking of the rear gardens of existing properties on Church Street.

Failure to provide any off street parking in accordance with the standards of the development plan would encourage ad-hoc parking at this location and pose a threat to public safety by reason of traffic hazard.

- 3.9 A decision to refuse planning permission was made 9/12/2015 for two reasons:

The proposed development constitutes sub-standard, ad-hoc development on an elevated site overlooking the rear of existing residential properties along Church Street, would seriously impact on the residential amenity of these properties through overlooking and would set an undesirable precedent for similar type developments at this location.

The proposed development therefore would depreciate the value of property in the vicinity and is therefore contrary to the proper planning and sustainable development of the area.

The failure of the applicant to provide 2 off-street car parking spaces in accordance with the standards set out in Section 7.4.1 of the Westport Town and Environs Plan 2010-2016 (incorporating variations 1, 2 & 3), would lead to dangerous and haphazard parking at this location thereby posing a threat to public safety by reason of traffic hazard. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

3.10 The decision was in accordance with the planner's recommendation.

3.11 There are no observations on the file.

4 PLANNING HISTORY

The only planning history on the Board's map register in this general area is Ref 41149, planning authority reg. ref. PD430 (not PD500); the Board decided to permit the change of use of a structure from warehouse and store to workshop and store, further to a third party appeal against the planning authority decision to grant. The Board's reason states that the intensification of use would not require extra car parking facilities in the area. The single condition required the payment of a contribution for water and sewerage services.

5 GROUNDS OF APPEAL

5.1 A first party appeal has been submitted by Blair Stanaway Architect on behalf of the first party.

5.2 The grounds includes:

Responding to reason no. 1:

The change of use is from workshop (open for consideration), to dwelling (normally permitted). The current use as a workshop has a larger and more injurious impact on the adjoining properties and their value.

The proposal is for change use of an existing building and cannot be considered as a precedent.

Westport Town and Environs Plan 2010-2016 is cited:

HO-03 – an objective to prevent the spread of urban sprawl and ribbon development;

TO-01 - an objective to protect the town centre by ensuring that development is compatible with its character and visual amenity;

TO-02 - an objective to designate the town centre as an architectural conservation area; the site is outside the architectural conservation area, however it will be in keeping with architectural precedence;

TO-09 - an objective to encourage residential uses at upper floors in town centre commercial properties;

TO-10 - an objective to encourage a high standard of architectural design: the design is by a registered architect;

ODP-01 - a policy to identify and secure the development of obsolete / derelict buildings;

ODO-02 - an objective to encourage use of obsolete / derelict buildings;

LUO-07 - an objective to direct new development to where required infrastructure is available.

Reuse of buildings is encouraged in the Plan.

Responding to reason no. 2:

The existing use per 7.4.1 of the Plan requires parking at 1 space per 25m² gross floor space therefore 78.8m² requires 3 spaces.

The proposed use requires 2 spaces. The proposals results in a net reduction of 1 space. At 7.4.1 it further states that if developers cannot provide the number of required car spaces on site, the Council may consider parking off-site, provided as group or dual park or may seek a financial contribution towards the cost of car parks provided in the town.

6 RESPONSES

6.1 The Planning Authority

6.2 The Planning Authority has not responded to the grounds appeal.

7 PLANS AND POLICIES

7.1 The Westport Town and Environs Plan 2010-2016 is the operative plan.

7.2 Relevant provisions include:

Off street parking will be required for all developments in accordance with the standards set out, if developers cannot provide the number of required car spaces on site, the Council may consider parking off-site provided as group or dual parking or may seek a financial contribution towards the cost of car parks provided in the town.

The parking standards are set out in a table which includes:

apartments – 1.25 space per unit;

dwelling 2 spaces per unit; light industry 1 space per 65m².

The requirement for 1 space per 25m², as cited by the first party, is listed as a requirement in relation to shopping centre and shops.

Minimum size of apartments specified as 45 square metres for a 1 bedroom apartment and 73 sq m for a two bedroom apartment.

Zoned 'B' Town centre where single house/housing cluster is permissible.

8 ASSESSMENT

8.1 The issues which arise in relation to this development are: appropriate assessment, principle of the development, amenities of the area (reason no 1), car parking (reason no 2) and the following assessment is addressed under these headings.

8.2 Appropriate Assessment – Screening

8.3 In accordance with obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a

project may have, either on its own or in combination with other plans and projects, on a Natura 2000 site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision on the proposed development. The process is known as appropriate assessment. In this regard a guidance document 'Appropriate Assessment of Plans and Projects in Ireland' was published by the DoEH&LG on the 10 December 2009.

8.4 The proposed development involves the change of use of an existing building in a town centre where the development will be connected to mains services.

8.5 Having regard to the nature and scale of the proposed development and nature of the receiving environment and proximity to the nearest European site no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.6 Principle of the Development

8.7 The area in which the site is located is Zoned 'B' Town centre, a house is permissible in this location. The proposed development involves a change of use, the building is already in place. In my opinion there is no objection in principle to the proposed development.

8.8 Amenities of the Area

8.9 The building is already established and has been in use for many years, its disuse is of a temporary nature. It has a window in the rear at street level, which is a first floor window when viewed from the rear. The proposal to extend this window from floor to ceiling, will not increase the extent of overlooking. The change of use from workshop to dwelling is likely to extend the duration of use of the building: use which would have occurred from morning to evening will now be a 24 hour use; and the potential for overlooking which would have ceased in the early evening will now extend to bedtime. In addition the likelihood of overlooking from a workshop is less than from a living room: the occupants of a living room are more likely to spend time relaxing and to sit and look out a window. However there is already potential for overlooking from the existing window at this level.

8.10 At lower ground floor, where there is currently a smallish window and a solid door, the proposal is to create two large openings for floor to ceiling French doors which will allow for better natural light penetration to the two new bedroom areas, and will allow access to a new terrace to be developed to the rear of the building. This level is also elevated with reference to buildings on Church St. The finished floor level of the lower ground floor is given as 38.2m, relative to the ground floor of 33.2 for the building on Church St. There is therefore potential for overlooking from the bedroom areas but more particularly from the proposed terrace. The extent of overlooking from a bedroom is usually considered less significant than from a living room area; in this case I consider that the overlooking from the terrace is more significant than from the French doors/bedroom areas.

8.11 The distance from the rear of the subject building to the rear of the building on Church St. is approx. 31m. Existing trees within the subject site provide screening and space is available within adjoining sites should further planting be considered desirable.

8.12 Other considerations include:

The public road along Quay Street affords views over the rear of properties on Church St.

The provision of a level terrace immediately adjoining the rear of the building is a reasonable requirement for the residential amenities of future residents. The sloping nature of the existing ground would otherwise reduce the private amenity value of the rear garden area. It is however reasonable, in light of the potential for overlooking to limit the size of the terrace. A dwelling of this small size has limited need for an outdoor terrace. A condition recommending that it should not extend beyond the 3.6m depth proposed should be included in any grant of permission.

8.13 I do not consider that overlooking should be a reason to refuse permission.

8.14 Car Parking

8.15 The proposed dwelling is small: only 70.8m². This is worth comparing with apartment size; the minimum size required for an apartment as set out in the Westport Town and Environs Plan 2010 – 2016: floor area of 73 sq m for a two bedroom apartment; this is the same as the size for a two bedroom apartment in the Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities 2015. Therefore the proposed dwelling is similar to a two bedroom apartment.

- 8.16 Westport Town and Environs Plan 2010-2016 requires that 2 car parking spaces be provided for a dwelling but only 1.25 spaces per unit for apartments. As pointed out in the planner's report the car parking requirement for the most appropriate category of use: light industry is 1 space per 65m². The requirement for 1 space per 25m², as cited by the first party, is not listed as a requirement in relation to any comparable use in the Plan. The additional car parking demand generated by the proposed change of use is therefore 1 space, being the difference between the existing demand: 1 space and the proposed demand: 2 spaces. It is however worth considering that a standard dwelling is likely to be twice the size of the subject building, which as previously stated, is in scale, more akin to an apartment.
- 8.17 It is also provided for in the Plan that payment of a financial contribution in lieu of provision may be acceptable. Some roadside parking is available on this side of the public road.
- 8.18 In my opinion the increase in car parking demand should not be a reason to refuse permission.

8.19 Sewer

- 8.20 The proposed bathroom is located at lower ground floor level, which is below road level. The sewer is indicated as being in the public road but no invert level is given. Details are not supplied but it seems likely that pumping of sewage from the proposed bathroom at the lower ground floor level will be required. Having regard to the fact that this is an existing building this should not be a reason to refuse permission.

9 RECOMMENDATION

In light of the foregoing assessment it is considered that the proposed development would not unduly detract from the residential amenities of the area; and notwithstanding the unavailability of on-site parking would not encourage ad-hoc parking or pose a threat to public safety by reason of traffic hazard; would not be in conflict with the policies of the Development Plan; and would accordingly be in accordance with the proper planning and sustainable development of the area.

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. Water supply and drainage arrangements, including the 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 orderly development.

3. There shall be no insertion of a window into the western gable.

Reason: To protect the amenities of adjoining property and in the interests of orderly development.

4. The proposed terrace to the rear shall not extend more than 3.6m from the rear building line and existing ground level shall not be raised elsewhere within the site.

Reason: To protect the amenities of adjoining property and in the interests of orderly development.

5. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Dolores McCague

Date

Inspectorate

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| Appendix | 1 | Map and Photographs |
| Appendix | 2 | Copy extracts from Westport Town and Environs Plan 2010-2016 |