



An  
Bord  
Pleanála

## Inspector's Report

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<b>Development</b>	Retain windows and glazed doors to the rear of a hotel at Carrowmore, Knock, Mayo
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	16/126
<b>Applicant(s)</b>	Kinth Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Appellant</b>	Tara Curry
<b>Observer</b>	None
<b>Date of Site Inspection</b>	11 <sup>th</sup> October 2016
<b>Inspector</b>	Stephen J. O'Sullivan

## **1.0 Site Location and Description**

1.1. The site is in Knock in Mayo, close to the basilica and historic core of the village. It has a stated area of 0.78ha. It consists of the curtilage of a hotel contained in a single storey building with a stated floor area of 837m<sup>2</sup>. The site is setback c90m from the street. It is connected to it by a driveway that also serves a house to the east of the site that also lies behind the building line along the street. A dense hedge marks the boundary with the curtilage of the house to the east. Parking for the hotel lies in front of it on the eastern part of the site. The parking is illuminated by 7 light standards. The land to the north and west of the site is undeveloped, although a road has been laid out there. A car park occupies the land immediately to the south of the site.

## **2.0 Proposed Development**

2.1. It is proposed to retain the window and glass doors on western elevation of hotel that serve the function room.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to grant permission subject to 5 conditions.

Condition no. 2 required a revised car parking arrangement to be implemented within 4 months of the final grant of permission. Condition no 3 required proposals to relocate or redesign the existing lamp standard to be submitted within 3 months.

### **3.2. Planning Authority Reports**

The reports from the area engineer, the road design section of the council and TII raised no objection to the development. The planning authority requested further

information from the applicant showing a revised site layout plan with parking in accordance with the standards set down in the development plan.

The subsequent **planner's report** noted the permission granted under Reg. Ref. P83/1139 and concluded that the application was to retain a patio door and a 135m<sup>2</sup> basement with access ramp. It states that the hotel was closed, but appeared to be undergoing refurbishment with a view to re-opening. The third party submissions object that the development was not built in accordance with its permission, and that the lights in front of the building and the window whose retention is sought would injure residential amenity. Given the location of the window on the other side of the hotel and the dense hedging along the eastern boundary is it difficult to understand how either element could affect residential amenity. A grant of permission was recommended subject to conditions which would require the revised parking scheme to be implemented within 4 months of the grant of permission, and that proposals for alterations to the light standard on the eastern side of the site to be submitted 3 months.

### 3.3. **Third Party Observations**

Two submissions were received. That from the current appellant objected that the lights in front of the building were overpowering and that the large window at the back of the hotel would intrude on her privacy. The second submission objected on grounds that the site notices were not adequate and that the hotel was not in keeping with its planning permission and that it breached other statutory codes.

### 4.0 **Planning History**

Reg. Ref. P83/1139 – The planning authority granted permission in December 1983 for a 10 bedroom hotel on the site.

## 5.0 Policy Context

Section 7.3.2 of the *Guidelines for Planning Authorities on Development Management* issued by the minister in June 2007 state that conditions must be directly related or connected to the development that is being permitted.

## 6.0 Development Plan

The Mayo County Development Plan 2014-2020 applies. It incorporates a local plan for Knock, under which the site is zoned as part of the town centre. Volume 2 sets parking standard for hotels of 1 space per bedroom plus 1 space per shift/employee and add for bar/restaurant/leisure centre or other relevant category.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The appellant lives on the eastern boundary of the site. Her residential amenity suffers from the lights on the site. Condition no. 4 of the planning authority's decision is inadequate. Three months is too long to prepare a revised lighting scheme. The evenings will be dark and the lights will be on longer each day. The condition provided no time limit for the implementation of the revised lighting scheme.
- The application failed to refer to the erection of a wooden gate alongside the eastern boundary of the property which is not in keeping with the hedge there.

### 7.2. Planning Authority Response

The planning authority did not respond to the appeal.

### 7.3. The Applicants' Responses

- The applicant requires around 3 months to prepare a revised lighting design and agree it with the council, and a further 2 months to put the agreed scheme out to tender and complete the works.
- The gate on the eastern boundary is in keeping with the character of its environs.

### 8.0 Assessment

The published descriptions of the development and the submitted drawings make it clear that the only development for which permission has been sought is to retain the installation of a large window and glass doors serving the function room of the hotel on its western elevation. This window is in keeping with the established use of the site and the form and character of the building there. It would have no impact on the amenities of other property in the vicinity whether through overlooking or otherwise. This window would not have any effect on the gate on the eastern boundary of the site.

A permission issued on foot of this application could not authorise an increase in the size of the hotel that would require more car parking to be provided in line with the development plan standards. The conditions on the planning authority's decision requiring a new car parking layout are therefore not related to the development. Neither is the condition requiring proposals to amend the existing light standard along the eastern side of the boundary. Their imposition is *ultra vires* the planning authority. The latter condition is also imprecise, as there are several light standards along the eastern boundary of the site. It is unlikely that any of those conditions could be enforced.

The development contribution scheme for Mayo states that financial contributions would be sought from commercial developments to the extent to which their scale was equivalent to a dwelling. The scale of the window to be retained is not

equivalent to a dwelling, and no contribution would therefore be payable under the scheme. Therefore none of the conditions on the planning authority's decision would be related to the development which is the subject of the current application.

## 9.0 Recommendation

9.1. I recommend that planning permission should be granted without condition.

## 10.0 Reasons and Considerations/ Reasons

The window and doors whose retention whose retention is proposed are in keeping with the established use and form of the hotel on the site. Their retention would have no impact on the character of the area or the amenities of adjoining properties. The development would not increase the size of the hotel in a manner that would require additional car parking on the site or require a financial contribution under the scheme adopted by the planning authority under section 48 of the Planning and Development Act. 2000 (as amended). The retention of the development would therefore be in keeping with the proper planning and sustainable development of the area.

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Stephen J. O'Sullivan,  
Planning Inspector,  
24<sup>th</sup> October 2016

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