



An
Bord
Pleanála

Inspector's Report PL 16.247233

Development	Conversion and change of use of part of office to a self-contained studio apartment together with alterations to external elevations and associated site works.
Location	7 Ashwood Meadows, Ballinrobe Road, Westport, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	16/430
Applicant(s)	Paul Gill Ltd.
Type of Application	Planning Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Paul Gill Ltd.
Date of Site Inspection	17 th October 2016
Inspector	Tom Rabbette

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1.0 Site Location and Description

The site is located within a relatively new mixed-use development located off the Ballinrobe Road (R330) in Westport, Co. Mayo. While it is a mixed-use development the predominant use is residential, there are c. 136 residential units - houses and apartments - in this development known as Ashwood Meadows. Towards the centre of the development, and facing the public road, there is a curved building that accommodates some 16 units over four levels. The majority of the 16 units appear to be residential, however, in the centre of the building there are two commercial units, one of those, No. 7 Ashwood Meadows, is the subject of this appeal. From the street (western) side of the subject curved building, the structure reads as three-storey, however, due to changes in ground levels, it has a lower ground floor and therefore reads as a four-storey building from the eastern side. There is a large communal green area to the east of the subject building. This open green space acts as a focus for the overall development with a number of the houses facing towards this area. There is surface car parking serving the building to the front adjacent the public road.

2.0 Proposed Development

The application relates to an existing office unit in a mixed-use development. The existing office use is accommodated over two levels. Because of changes in ground levels across the site, the office unit is accessed via the upper ground floor on the south-western side of the building, the office accommodation is located in this upper ground floor area and in a lower ground floor which is accessed via an internal stair. The applicant operates an accountancy business from the upper ground floor area, the lower ground floor office space is not in use. Permission is being sought to create a studio apartment in part of this lower ground floor area. The proposal includes for the creation of a front doorway in the lower ground floor to provide access to the studio apartment from the eastern side of the building. The studio apartment has a stated floor area of 40 sq.m.

The two top floors above the existing office unit are in residential use. These are accessed via a separate external steps. They do not form part of the application site.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 17/08/2016 the planning authority decided to refuse permission for two reasons.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's Report dated 17/07/16:

- Refusal recommended for two reasons.

3.2.2. Other Technical Reports

Mayo National Roads Design Office Report dated 16/06/16:

- No issues raised for the National Road system.

TII Report dated 27/06/16:

- No concerns raised.

Road Design Section Report dated 07/07/16:

- No objection.

4.0 Planning History

P15/821: The applicant was refused permission for conversion and change of use of part of existing office to a self-contained studio apartment together with alterations to external elevations and associated site works. The applicant was refused permission for two reasons similar to those issued by the p.a. in relation to the current application.

P04/48: Permission was granted, subject to conditions, for 136 residential units, 2 commercial units and a crèche. This is the parent permission for the Ashwood Meadows development and included the four-storey block in which the current application site is located.

5.0 Policy Context

Development Plan

- 5.1. The operative plan for the area is the Westport Town & Environs Development Plan 2010-2016 (as varied). The site is located in an area where the land use zoning objective is 'A1 Residential Phase 1 High Density' as indicated on Map 1 of the DP. Development Standards pertaining to apartments are addressed in Section 7.10 'Residential Development Standards' of the written statement.

6.0 The Appeal

6.1. Grounds of Appeal

The contents of the applicant's grounds of appeal can be summarised as follows:

- Following a previous refusal (ref: P15/821), and subsequent to a positive pre-planning meeting, a new application was lodged.
- The applicant owns and works in a two-storey office building which forms part of a larger curved block of mainly town houses and apartments.
- There are two office units in the block.
- The applicant runs an accountancy practice from the ground floor level (street level) and the lower ground floor is largely vacant.
- The applicant wishes to convert part of the lower ground floor to a studio apartment for his own personal use.
- He is agreeable to having a condition placed on a grant of permission to limit the use of the studio apartment so that it cannot be sold or let separately from the office building.
- The applicant lives a distance from his office and is seeking to reside closer to his place of work for at least part of the week.
- This is an application for a studio apartment in an existing residential block, located in a larger residential estate.

- The proposal incorporates the 2015 guidelines of new apartments.
- The proposed development is consistent with the land use zoning for the area.
- The applicant provides an analysis of the proposal against the 2015 new apartment guidelines.
- If the guidelines require that the combined living/sleeping room should be minimum 5 m wide, not minimum 5 m deep, the applicant can easily increase the width to a minimum 5 m, in that regard, an alternative floor plan is submitted with the appeal for consideration.
- The dimensions and size of the proposed studio apartment meet the minimum size for a studio apartment as set out in the new guidelines.
- The greater Ashwood residential development contains almost 140 residential units, two commercial/office units and a crèche, the external appearance of the building will be largely unaltered.
- The location of the proposed studio apartment is compliant with section 2.2 of the new guidelines, there are no studio apartments in the current scheme of almost 140 residential units, which is contrary to the demographic trend referred to in the new guidelines.
- The provision of one studio apartment will help to provide a better variation as referred to in section 2.5 of the new guidelines.
- It seems incredulous to suggest that a studio apartment in this context would depreciate the value of residential property in the area.
- There are only two commercial units in the entire estate therefore the precedent of permitting the conversion of part of one commercial unit to a studio apartment is very limited.
- This revised proposal now meets with minimum floor area and living room dimension requirements of new guidelines, it will be located in an existing residential scheme close to a main transport hub (Westport train station), a range of urban amenities including the Greenway and a waterfront, shopping and other services, this location is particularly suited to apartments.

- The unit will have independent access, a very good aspect across the larger green amenity space, its own private amenity space and access to car parking, waste disposal etc.
- This proposal is consistent with the 'Living over the shop' principal to encourage people to live in towns to strengthen communities and provide passive surveillance.
- There was no observation lodged against the planning application.
- It is the applicant's opinion that the p.a. has applied an overly strict interpretation of the new guidelines when considering the application, seemingly because the p.a. does not wish to promote apartment living, which is contrary to demographic trends and the new guidelines.
- The applicant simply wishes to convert a vacant portion of his two-storey office unit to provide a studio apartment for his own personal use.

6.2. Planning Authority Response

The contents of the planning authority's response to the grounds of appeal can be summarised as follows:

- The Board is referred to the Planner's Report on file.
- The p.a. contests the applicant's interpretation of the 2015 apartment guidelines in relation to the provision of studio apartments.
- It is considered that the example given in the 2015 guidelines (ref. s.3.2) is very far removed from the nature and context of the current proposal.
- It is the opinion of the p.a. that the retrofitting of part of a commercial unit within a mixed-use development to provide studio type residential accommodation for the owner/occupier of the unit bears little or no relation to the concept behind the provision of studio apartments as expressed in the 2015 guidelines.
- It is also considered that the current proposal would set an undesirable precedent for similar type proposals within existing mixed-use developments.

7.0 Assessment

- 7.1. I have examined all the plans, particulars and documentation on file. I have carried out a site inspection. I have had regard to relevant provisions of the statutory development plan for the area, in my opinion the main issues arising are as addressed hereunder.
- 7.2. The applicant is seeking permission to change part of the use of the lower ground floor of a two-storey office unit into a studio apartment. The upper ground floor will remain in office use.
- 7.3. The planning authority refused for two reasons. The first reason related to context, location and the creation of sub-standard development. That first reason specifically cited s.3.2 of the 'Sustainable Urban Housing: Design Standards for New Apartments' (DoECLG 2015). The second reason also referred to substandard development, context and location. The reason referred to a negative impact on the residential character of the immediate area, precedent and depreciation of property value in the vicinity. The applicant was previously refused permission for a similar proposal for similar reasons under P15/821.
- 7.4. The applicant in the grounds of appeal has sought to rebut the p.a. reasons for refusal. An amended layout has been submitted with the grounds of appeal.
- 7.5. Notwithstanding the applicant's submission to the Board, I would have concerns in relation to the proposal given its context.
- 7.6. The subject unit is located with a relatively new, predominately residential, scheme. There is a homogeneity and unity of design across this scheme. It is not without design merit. Towards the centre of the scheme, and located between the two vehicular entrances off the public road, there is a four-storey building. The subject two level office unit is located in this four-storey building and the proposed studio apartment is proposed in the lower ground floor.
- 7.7. There are some 16 units in the four-storey block. All of these units, both residential (14 no.) and commercial (2 no.), are accessed via the front, south-west facing side, of the building (the Board is referred to the plans and particulars on file for P04/48 relating to the parent permission). What the applicant proposes marks a significant departure from this layout.

- 7.8. The applicant is proposing to create a new studio apartment which will not be accessed from the front, south-west facing, side but rather from the north-east facing side, which is effectively the rear elevation of this four-storey building. It will be the only unit of this (as now proposed) 17 unit building that will be accessed from the north-east side. I consider this problematic in design terms. It is out of character with the original purpose-designed building.
- 7.9. To access the apartment, the applicant is proposing to create an opening in the rear elevation to accommodate the front door to the unit. There are no other front doors as such in this elevation as existing. There are patio doors leading out into private amenity space, but these existing doors cannot be used to access the units, all of these units at lower ground level are accessed via the upper ground floor level with their front doors on the front, south-west facing, elevation. Furthermore, the private amenity space at lower ground level is separated from the communal open green area to the rear by a wall and railings. In addition to having to create a door opening in the rear elevation, the applicant has also to break open a pedestrian entrance/gateway in this wall and railings that separates the private amenity space from the communal green open space. There are no such gateways existing in this rear elevation. There is a balance and unity in design approach of this rear, north-east facing, elevation of this four storey building, as there is across the entire scheme. The proposal departs from, and upsets, this design approach. The proposal will introduce a front door and pedestrian entrance to this elevation. It is a haphazard, non-integrated intervention. It will adversely impact on the visual amenity of the overall building in which it is located. The applicant submitted elevations of the subject unit itself but did not submit an elevation showing the proposed changes in the context of the entire rear façade of this four-storey building. While the pedestrian entrance to the private amenity space in the back wall and railings is shown in plan, there are no elevations of this pedestrian entrance.
- 7.10. In terms of the layout, access arrangements and design, the proposal is divorced from the building in which it is located.
- 7.11. The applicant needs to demonstrate that he has sufficient legal interests in the property to carry out all the works required. Given the fact that this is a multi-unit building, consent may be required from a Management Company to create the front door in the rear elevation and the pedestrian entrance in the rear wall and railings.

Furthermore, a footpath is shown on the site layout plan across the communal open green space to the rear leading to the proposed pedestrian gateway, but no such path exists at present, again consent may be required for such works. In any event, even if such consent was required and given, I would still have concerns in relation to the proposal as indicated above.

- 7.12. I accept that the studio apartment generally complies with the space standards and dimensions for studios as contained in the 'Sustainable Urban Housing: Design Standards for New Apartments' (2015). The applicant takes issue with the planning authority's interpretation of section 3.2 of these guidelines. However, I would also have concerns here. That section 3.2 does allow for studio apartments but it goes on to give a specific example with reference to 'managed accommodation', it would appear that the existing building does not constitute 'managed accommodation' for the purposes of section 3.2. The guidelines primarily relate to new build, the applicant is proposing a retro-fit. Nevertheless, given the wording of that section 3.2, and also having regard to the concerns raised above, I would not recommend a refusal on the grounds of non-compliance with section 3.2 in this instance.
- 7.13. (Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, I consider that no appropriate assessment issues arise.

8.0 Recommendation

- 8.1. Refuse permission for one reason as indicated hereunder.

9.0 Reasons and Considerations

1. The proposed apartment unit is located in a structure in which all existing 16 residential and commercial units are accessed from the front, south-west facing side of this building. The proposal, to create a 17th unit which will be the only unit to be accessed from the rear, north-east facing side, and which requires the creation of a front door and gateway in this rear elevation where currently no such doors or gateways exist, represents a non-integrated and incongruous form of development that would be out of character with the four-storey building in which it is located and would adversely impact on the visual

amenity of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Tom Rabbette
Senior Planning Inspector

28th October 2016