



An
Bord
Pleanála

Inspector's Report PL16.247821

Development	Demolition of house and construction of four houses.
Location	Ardmore, Westport, Co. Mayo.
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	P16/786.
Applicant(s)	Harold and Peter Conway
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Harold and Peter Conway
Observer(s)	None
Date of Site Inspection	16 th March 2017
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site relates to a detached derelict bungalow on the coastal outskirts of Westport Town to the south west of Westport Quay. The site is partly sloped and elevated to the north of a local high point with views of the harbour and surrounding development. The site area is 1854 sq.m. and it has an overall depth of 72 m from the public access lane but the residual level area around the house is about 30m x 46m.
- 1.2. The site is served by a local road of poor alignment which links the R335 and N59. The site is accessed off a short cul-de-sac lane which serves council pumping station, two old cottages and a more recent terraced housing scheme. The access to the subject site merges with the access to the established cottage near the junction with the main road. Boundary delineation between the site and the cottage is not apparent on the ground.
- 1.3. The house is in a dilapidated condition but still fairly weather proof. The overgrown garden and boundaries made access quite difficult to the rear of the property. There are single storey dwellings to the west along the coast road. The site is adjoined by a bungalow to the west and the cottage fronting the entrance drive and a more modern bungalow is further west of the subject house and bound by mature trees and the site therefore is not visible from the public coastal road as viewed from south, east and also west directions. It is visible from the north. Ardmore Country House Hotel on its own grounds is located to the south and there are clear views of its ridge and roof profile over the subject house from the coast road. The terrace of five houses (Old School House Lane) in the adjoining site to the west is on markedly lower ground. These feature south facing balconies with unobstructed sea views.

2.0 Proposed Development

- Four detached dwellings of 213 sq.m over three storeys.
- Garden depth 11m from south boundary
- Front gardens with each with off street parking for 2 cars
- Residual open space of 245 sq.m (13%) along the western boundary
- Overall height of 15.78m OD as compared to existing terrace of 11.92mOD

- Shared access road of (5.68m – 6.83m in width) with water and drainage services for the site. (The existing cottage entrance porch adjoins the boundary line/delineated access)
- The style is contemporary and angular with extensive glazing and plaster finish. Accommodation provides three ensuite bedrooms and a fourth bedroom and separate bathroom and living room over two floors. Ground level has open plan kitchen living accommodation.

3.0 Planning Authority Decision

3.1. Decision

Refusal of permission on the basis that the proposed development is over double the density permissible in the current development and would therefore contrive the plan and be out of character with the existing pattern in the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

While noting the objections on file the main issue centres on excessive density having regard to development limit of 4 units per acre.

3.2.2. Other Technical Reports

Road Design Office raises no issues.

3.3. Third Party Observations

Objections for the School House Lane Management Company object to on grounds of overlooking to the north, lack of clarity with regard to construction a provision of services and landscaping and inadequate parking.

Objection from residents of cottage bordering site with respect to access details and impact on amenity

4.0 Planning History

PL84224926 refers to a decision to uphold a grant of permission for 4 two-storey houses (revised down from 6 in further information) on the subject site and with a similar alignment to subject proposal. Site layout in the subject proposal varies in terms of parking and private and public open space and as well as house design.

5.0 Policy Context

5.1. Development Plan

Westport Town and Environs Plan 2010-16 is cited as the operative plan by the planning authority. In this the site is governed by the objective Residential Phase 1 Low Density which is defined in section 7.10 as 4 units/acre or 10 units/hectare. (high density is 25 units/hectare) The control of density in all cases will depend on the design and layout of the scheme and local conditions such as the infrastructural capacity of the area. This is comparable to the provision under the previous 2003 Development Plan. (see Plan extract for site context)

5.2. Sustainable Residential Guidelines

- 5.2.1. The guidelines promote the principle of higher densities in urban areas and ultimately to promote sustainable patterns of urban settlement, particularly higher residential densities in locations which are, or will be, served by public transport.
- 5.3. Section 5.6 of the guidelines suggest that there should be no upper limit on the number dwellings permitted that may be provided within any town or city centre site, subject to the following safeguards:
- compliance with the policies and standards of public and private open space adopted by development plans;
 - avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours;
 - good internal space standards of development;

- conformity with any vision of the urban form of the town or city as expressed in development plans, particularly in relation to height or massing;
- recognition of the desirability of preserving the built heritage

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The proposal is very similar to that which was permitted under the same policy and physical context.
- The site was previously determined as low density in the inspector's appraisal
- The higher density is supported by the Guidelines of planning authorities on Sustainable Residential Development in Urban Areas. (sections 5.6 and 5.7)

6.2. **Planning Authority Response**

- No further comments

7.0 **Assessment**

7.1. **Issues**

- 7.1.1. This appeal relates to an application for a very similar development for four houses approved in 2007 by the Board following a third party appeal. However, in this case the planning authority considers that by reason of excessive density the proposed four houses contravene the development plan and has decided to refuse permission. While there has been a change in Development Plan, the principle of the development is not at issue as the residential objective remains the same. The issue relates primarily to density and related to this, issues of residential amenity and parking/traffic were raised in the objections.

7.2. **Density, layout and amenity**

- 7.2.1. The planning authority makes the case that 4 houses (equivalent of 21 houses per Hectare) is more than double that that permissible in this residential site where it is an objective to restrict housing to 10 units per hectare. I note in this regard high

density is considered 25 units per hectare and medium is 15 units. While it is stated in this context to contravene the development plan, proposals are ultimately subject to assessment with regard to appropriate design, layout and local conditions and this good practice in the context of statutory guidance.

- 7.2.2. In this case the private space is more generous than the previous proposal. Each house is also provided with a generous floor area of over 200 sq.m. with front and back gardens and off-street parking for two cars as well as providing a residual open space of more than 10% of the site area between the existing house to the west and the gable of the first proposed house. By comparison, in the previous case there was more communal open space (470 equivalent to 25.3%) and gardens of 56 sqm which were adequate by reference to the statutory planning guidance.
- 7.2.3. In design terms, I consider the proposed development to be appropriately scaled and modelled as expressed by height, massing and spacing and is, in my judgement, visually sensitive to surrounding development. I refer in particular to the terrace of 5 units on the adjacent site below and the perpendicular juxtaposition which allows a shared overlooking of the public realm and passive interconnection with existing fabric. The overall height is similar to the existing terrace and therefore the characteristic undulating terrain is reflected and maintained while at the same time the proposal remains below the height of the hotel to the south. The existing dominant roof profile on the skyline and roofscape at this point is maintained. In terms of architectural style and detail, the proposal is contemporary and elegant in its verticality and simple solid to void relationship.
- 7.2.4. With respect to potential impacts on neighbouring development I note the concerns about overlooking and parking in the submission to the planning authority. Given that the row of proposed houses fronts onto the public realm of the residential scheme below to the north there can be no real sustainable objection to overlooking on privacy grounds. Nor is there is any direct facing of opposing windows within any distance of significance. The terrace faces west with gable windows overlooking the landscaped open space of this scheme. Separation between the proposed facade and this gable is in the order of 20m and has intervening planting. The gable end of proposed no.1 faces the rear of the bungalow to the west. This is where there is presently a very mature belt of trees than are clearly viewed from the coast road. While the proposal is higher than that existing at this point, a potentially overbearing

aspect will be well screened. In this case the open space is now relocated to this western end and allows for an increased set back from the boundary and an enhanced aspect. The houses are also set back 11m from the rear boundaries which border the hotel grounds. Accordingly, no overlooking issues arise at this point. The only potential perceived overlooking issue that may arise is from house no 4 at the eastern end which overlooks the rear curtilage of the residential development to the north. The perception of overlooking is enhanced by the three levels and stepping forward to maintain the 11m depth. Overlooking would be at right angles at distance of 15m at the nearest. This relationship is more pronounced, as compared to the previous, as the line of houses has been shifted eastward and open space relocated from west to eastern side. It is also reduced to allow more private curtilage. I consider there is a case to be made to step back no.4 to maximise the separation distance with the existing residences to the north. The reduced garden depth could be protected by restricting exempted extensions to the rear.

- 7.2.5. The communal aspects of the development are important in the assimilation of the development both visually and in terms of amenity. Accordingly, details of hard and soft landscaping including delineation of boundary and footpath with cottage, refuse store and entrance details should be subject to further detail and agreed with planning authority to ensure an adequate standard of development. This was addressed more comprehensively in the previous approved proposal and I see no reason why this cannot be dealt with by condition.

7.3. Traffic/Parking

- 7.3.1. Nuisance from inadequate parking and traffic hazard is also raised. However, I consider the provision of private car parking is preferable to communal parking in this instance. In accordance with development plan standards of 2 spaces per house this is provided – this is an increase on the previous standard which was complied with with the provision of 6 spaces for 4 houses and visitor parking.
- 7.3.2. In the previous proposal communal parking is shown within 5m of the cottage to the north east, i.e. fronting the access road. The relocation further away would be less disruptive to the existing. There is also the benefit of the houses being more appealing to growing families with more convenient parking.

7.3.3. Traffic safety is also raised as an issue. While I accept that the junction with the main road which is outside the applicant's interest is restricted in terms of sightlines, I note that one corner is part of the pumping station council site. However, the proposal for the houses as compared to previous B and B in the subject house is not significantly different in traffic terms in an urban context. I do not consider the level of development to be unacceptable in traffic terms. The development may be enhanced with the provision of a visitor parking space /turning area within the development and this could be providing by surfacing and landscaping for dual temporary parking and amenity uses.

7.4. **Conclusion**

7.4.1. In conclusion, having regard to the design, layout and local conditions I consider the proposed development to be acceptable. In quantitative terms, while I accept that in the context of the development plan it is high density, it is only for four dwellings which is low by national standards. Moreover, I consider it to be compatible with the character of the area which comprises a mix of detached bungalows and terraced development.

I also consider there is a wider strategic issue that supports this proposal. The development plan seeks to reduce ribbon development on the outskirts. The provision of spacious houses with private parking in a very small development on a serviced site within walking distance of neighbourhood shops and amenities is poised to constructively address this objective. I therefore do not consider the proposed development to amount to a material contravention of the development plan.

7.4.2. Accordingly, having regard to the previous established B and B use of the appeal site, the planning history and the detailed design, scale and form of the proposed development in relation to the surrounding properties, it is my view that the proposed development is appropriate in terms of its density, scale and form and would not seriously detract from the amenity of the area and would be acceptable in terms of traffic safety.

7.5. **Appropriate Assessment**

7.6. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, I am of the opinion that no appropriate assessment issues arise.

8.0 Recommendation

8.1. I recommend that planning permission for the proposed development be granted based on the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to the planning history, previous use of the appeal site, the pattern of development in the area and the statutory guidance document for sustainable residential housing, it is considered that the proposed development, subject to compliance with the conditions set out below, would be acceptable in terms of density, would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety. Furthermore, the Board does not consider the proposed development to constitute a material contravention of the development plan for the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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. (a) House no.4 in the submitted plans shall be stepped back by one additional metre from the northern boundary and revised site layout

drawings shall be submitted for prior written agreement.

- (b) Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of house no.4 without grant of planning permission.

Reason: In the interest of the amenities of the area.

3. Water supply and drainage arrangements, including the attenuation and 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.

4. The developer shall comply with the requirements of the planning authority with respect to on-site parking, site entrance details, signage, naming of development and road markings which shall be ascertained and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of traffic safety.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

- Prior to commencement of development, details of the following shall be submitted to the planning authority for written agreement:
7.
 - (i) A hard landscaping plan with delineation and specification of site boundary along the access from the public lane, other site boundary details including entrance finishes and use of natural stone wall to selected boundaries and provision of two visitor parking spaces.
 - (ii) A soft landscaping plan incorporating the extensive planting of deciduous trees.

Reason: In the interest of visual amenity.

- Prior to the commencement of development, details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority. A panel of the proposed finishes shall be placed on site to enable the planning authority to adjudicate on the proposals. Construction materials and detailing shall adhere to the principles of sustainability and energy efficiency and high maintenance detailing shall be avoided.
- 8.

Reason: In the interests of orderly development and the visual amenities of the area.

- 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
- 9.

the developer or, in default of such agreement, the matter shall be referred to An Bord 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.

Suzanne Kehely
Senior Planning Inspector

5th April 2017