



An  
Bord  
Pleanála

## Inspector's Report PL16.248006

---

<b>Development</b>	Demolish existing garage and construction of extension to dwelling house
<b>Location</b>	Quay Road, Cloonmonad, Westport, Co. Mayo
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	P16/722
<b>Applicant(s)</b>	Sinead Higgins
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Sinead Higgins
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27/04/2017
<b>Inspector</b>	Gillian Kane

## 1.0 **Site Location and Description**

- 1.1. The subject site is a single storey dwelling, on the southern side of Quay Road, on the outskirts of Westport Town. The road accommodates a range of house styles and sizes, all on relatively large plots. The subject dwelling is a single storey gable fronted bungalow with a garage to the side (east). The topography of the area is such that the grounds level drops significantly from north (roadside) to south (rear garden). There is a drop of approximately 3m between a patio to the rear of the dwelling and the adjoining garden ground level. The site falls away further to a low point in the south-eastern corner (overall ground level change of approximately 4m).
- 1.2. To the east of the subject site is a large two storey detached dwelling with a balcony that wraps from the front to the side and the rear. Due to the change in ground levels, this dwelling is three-storey to the rear. To the west of the dwelling is a terrace of two storey dwellings, the immediate neighbour to the subject site has a two storey extension to the rear.
- 1.3. Photographs and maps are attached in Appendix 1.

## 2.0 **Proposed Development**

- 2.1. Permission was sought for the demolition of an existing garage (19sq.m.) and the construction of an extension of 120sq.m. to the rear of a two storey dwelling of 134sq.m.

## 3.0 **Planning Authority Decision**

### 3.1. **Planning Authority Reports**

- 3.1.1. **Planning Report:** The Planning Authority advised the applicant of concerns regarding the impact of the proposed development on the residential amenity of adjoining properties. A request for further information required the following:

- Scaled section running east west through the rear of the site showing the floor and floor level of the proposed development in relation to the site to the east

- Photomontage of the proposed extension viewed from the south, including properties to the east and west.

**Roads Design Office:** No objection

**TII:** No objection

### 3.2. **Third Party Observations**

- John & Maureen Walsh, Cloonmanad: Site layout map is incorrect, boundary wall is shown on observer's land.
- Brenda Gibson: Quay Road: Proposed development will have a detrimental impact on her dwelling in terms of overlooking, overshadowing, height and scale.
- Maureen Walsh, Cloonmanad: Proposed extension will overlook, will deprive of light and will devalue observer's property.
- Michael Cannon, Quay Road: Impact of proposed development in terms of height and scale, overlooking, devaluation of property.

### 3.3. **Planning Authority Decision**

3.3.1. **Planning Report:** Proposed development would seriously impact the residential amenity of adjoining properties due to excessive, scale heights and length.

3.3.2. On the 16<sup>th</sup> January 2017 Mayo County Council issued a notification of their decision to REFUSE permission for the following reason:

The proposed development, due to its excessive scale, height, and length, in close proximity to adjoining residential properties would seriously impact the on the residential amenity of adjoining properties and would both by itself and the precedent it would set, establish an undesirable precedent for similar type developments of this nature in the immediate vicinity. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

## 4.0 **Planning History**

4.1.1. None on file.

## 5.0 Policy Context

### 5.1. Westport Town and Environs Development Plan 2010-2016

- 5.1.1. In the plan, the site is zoned '**A1 Residential Phase 1**' which has the stated objective "It is an objective of the Residential land use to protect, improve and develop residential areas and to provide for facilities and amenities incidental to those residential areas, where appropriate".
- 5.1.2. Policy **PP-01** states that "It is the policy of the Council to plan to provide sufficient land to accommodate the residential population needs of the town and environs and, in addition, to cater for the service needs of the people who live within the town's catchment area.
- 5.1.3. Section 7.4 of the plan outlines car parking requirements, stating that for dwelling houses in the town, two spaces per unit are required but that innovation shall be considered.
- 5.1.4. Section 7.10 outlines development standards. In relation to single housing units in built up area, the plan states that development standards for apartments in relation to open space, storage and floor areas will apply and that the re-use of older buildings will be encouraged. The overall design of the house shall not be an obtrusive element on the existing streetscape.

## 6.0 The Appeal

- 6.1.1. A first party appeal of the Council's decision can be summarised as follows:
- The proposed development will facilitate access to the rear garden, which is not currently available due to the steep change in ground levels.
  - The proposed development is to allow the applicant to live with but independently of the home owner. It is a form of "granny flat" development. This ensures the existing house stock is maximised in accordance with policies HG-02 and SA-02 of the County Development Plan. Allowing an older person to remain in their home is in accordance with policies AL-01, AL-03 and the Core Strategy of the County Development Plan.
  - The proposed development accords with the principle objectives and the zoning objective 'Residential' of the Westport LAP 2010-2016 as it

reinforces the existing strong urban structure and increases the viability and sustainability of residential areas.

- The decision of the Planning Authority is unreasonable as the proposed development is modest in scale having regard to the existing building on site. The increase in floor area is 101sq.m.
- The height of the proposed development is not excessive in height considering the topography of the site and the height of adjoining properties. The proposed single storey extension with basement has been designed to fit into the contours of the site and is below the height of the adjoining properties from the public road and from the rear. Should the Board consider it necessary, a flat roof extension would be acceptable to the applicant.
- It is submitted that the decision of the Planning Authority fails to have regard to the fact that the subject house is 2m lower than the house to the east and 1m lower than the house to the west. There is a drop of 3m from patio at the rear of the house to the location of the proposed extension. The two balconies on the house to the east are both higher than the floor level of the proposed extension.
- The length of the proposed extension is not excessive given the existing house and the incorporation of the shed into the footprint of the proposed extension. The proposed extension extends only a short distance beyond the existing patio. There is a similar extension a few doors from the subject site.
- The proposed development will not have any impact on the residential amenity of adjoining properties: it is a modest single storey house that is below the existing height of the adjoining properties. The proposed extension will be level with the ground floor windows of the adjoining houses, therefore there is no basis for the suggestion that it is excessive or that it will overlook. The proposed eastern elevation windows are high level and will not overlook, being between 1.5 and 4.9m from the boundary. The proposed western elevation windows are at sufficient separation distance (8.5m) to prevent overlooking.

- An existing extension to the east already sets a precedent. Photo attached.
- The proposed development will not devalue adjoining properties.
- The Board is requested to grant permission.

6.1.2. The appeal is accompanied by a topographic survey

## 6.2. **Planning Authority Response**

None on file.

## 6.3. **Third Party Observations:**

6.3.1. **Brenda Gibson**, Quay Road: Proposed extension is not in keeping with the pattern of development in the area. Proposed extension is not modest as claimed by applicant: existing garage is 19m, proposed extension is 120sq.m.

6.3.2. **Michael Cannon**, Quay Road: Concerns regarding the height and scale of proposed extension, overlooking that will arise, impact on sunlight and devaluation of property. Photograph attached.

6.3.3. **Maureen & John Walsh**, Quay Road: Proposed development will be of unreasonable height, impacting light and privacy. Proposed extension will overlook, be out of proportion and out of character with adjoining properties. Site boundary map is not accurate. 1 no. car space is inadequate. Plot is too small for two independent residences.

## 6.4. **Response of Applicant to third Party Observations**

- The proposed development at 49.7mOD will be below the adjoining dwelling which has a ridge height of 53.46mOD
- The proposed extension allows sufficient amenity space to the rear
- A daylight and sunlight analysis has shown that there will be no impact on the adjoining property.
- The proposed windows on the side elevation are high level, for light only and will not allow overlooking.

- The proposed extension provides for independent living accommodation and is not excessive having regard to the pattern of development in the area.
- The proposed extension will not interfere with adjoining properties given that there is a wide variety of houses along the street.
- The proposed extension will not devalue adjoining houses which are much larger than the subject dwelling.
- An attached solicitors letter confirms that the applicant is the owner of the site and has sufficient legal interest to make the application.
- There is sufficient room to park up to 4 no. cars on site.
- The public sewer runs through the rear of the site and services the two properties up stream to the west. Common practice is to seek agreement from the Local Authority for connection.
- The proposed development is not for two independent houses, but an extension to an existing house.
- The Board is requested to grant permission.

## 7.0 **Assessment**

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

- Principle of the proposed development
- Impact on Adjoining Properties
- Other
- Appropriate Assessment

### 7.1. **Principle of the Proposed Development**

- 7.1.1. The subject site is zoned Residential A1 in the Westport development plan, lands which according to the plan are ‘serviced and are located adjacent to the urban fabric of the town or within centres of population’. The recommended density for such land is 25unit per ha. Section 4 of the development plan states that one of the objectives of the plan is to permit a “a mix of land uses within each zoning objective based on the ‘friendly neighbourhood principle’ whereby any new developments will not have a

negative impact on existing neighbouring uses". A second objective is to promote the "re-use of derelict and under used urban land, preventing expansion into high amenity and rural areas, promoting more compact urban forms, including where appropriate, increased net residential densities".

- 7.1.2. The proposed development is essentially a granny flat extension – a separate but joined extension of the main dwelling to allow a family member to live independently. Neither the Westport Town & Environs Development Plan or the Mayo County Development Plan have a policy on such developments.
- 7.1.3. One of the development strategies of the Westport plan is "Ensuring a mix of residential accommodation is provided in the town to accommodate population targets as outlined in the Regional Planning Guidelines for the West Region 2010-2022, the Mayo County Development Plan 2008-2014 (as varied) and the Mayo Housing Strategy 2008" (section 3 refers).
- 7.1.4. I am satisfied that the proposed development is in accordance with the zoning objective of the development plan as it proposes to increase the density of an urban area and provide further accommodation without negatively impacting on the residential amenity of the adjoining dwellings. The proposed development is therefore considered to be in keeping with the pattern of development in the area and is in accordance with the proper planning and sustainable development of the area.

## 7.2. **Impact on Adjoining Properties**

- 7.2.1. The change in ground level is such that the proposed granny flat has an overall height of 7.5m at the highest point. From the perspective of the dwelling to the east (one of the Observers), the eastern side of the proposed extension has an overall height of 5.7m. The change in ground levels are such that the visual impact of the proposed extension is not considered significant in terms of bulk, scale or mass. I note that the applicant has offered to revise the mono-pitched roof to a flat roof. This would reduce the impact of the proposed extension from the eastern elevation. Should the Board decide to grant permission, this can be achieved by condition.



7.2.2. I am satisfied that no overlooking of the property to the east can occur from the proposed high level windows on the eastern elevation. The separation distance between the proposed granny flat and the dwellings to the west is approx. 10m to 15m. This distance and the ground level changes of the sites are sufficient to prevent any overlooking of the residential amenity area of the dwellings to the west. Should the Board revise the roof profile by way of condition, the high level window on the western elevation shall be removed.

7.2.3. I note that a similar extension has been constructed further east of the subject dwelling.

7.2.4. The visual impact of the proposed extension from the road / front elevation is minimal and will not detract from or devalue the surrounding properties.

### 7.3. **Other**

7.3.1. Sufficient room exists at the front of the property to accommodate the car parking requirements of the existing dwelling and the proposed extension.

### 7.4. **Appropriate Assessment**

7.4.1. Having regard to the nature and scale of the proposed development and / or 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.

## 8.0 **RECOMMENDATION**

8.1.1. I have read the submissions on file, visited the site, and have had due regard to the provisions of the Westport and Environs Development Plan 2010-2016 and all other matters arising. It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the development plan, would not injure the amenities of the area and would be in accordance with the proper planning and sustainable development of the area. I recommend permission be GRANTED subject to the following conditions:

## REASONS AND CONSIDERATIONS

Having regard to the zoning objectives for the area and pattern of development in area, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity and would be acceptable in terms of traffic safety, public health and convenience. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

- 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. The proposed granny flat extension shall be revised to provide for a flat roof with a overall height of no greater than 5.7m at any point. Prior to the commencement of development the developer shall submitted revised drawings to the Planning Authority for written approval.

**Reason:** In the interest of protecting the residential amenity of dwellings to the east.

3. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

4. 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 to ensure a proper standard of development.

5. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay rubble or other debris on adjoining roads during the course of the works.

**Reason:** In the interest of residential amenity

6. 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 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 made under section 48 of the Act be applied to the permission

*Gillian Kane*

---

Gillian Kane  
Planning Inspector

03 May 2017