



An
Bord
Pleanála

Inspector's Report PL16.248474

Development	Construct two houses in rear garden, two-storey side and rear extension to existing house and off-street parking
Location	No. 4 Father Angelus Park, Westport, County Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	P17/95
Applicant(s)	Damien Gibbons
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First-Party
Appellant(s)	Damien Gibbons
Observer(s)	1) Father Angelus Park Residents 2) Charlie Rowe & Paul Rowe 3) Cora Higgins & Others 4) Michael Cannon 5) Noel McNamara & Others
Date of Site Inspection	22 nd August 2017
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located in Father Angelus Park, a 1950s residential estate in the townland of Carrowbeg on the northeast side of Westport town and 500m from the town centre. The N5 Castlebar Road is located 25m to the south of the site. It includes an existing two-storey end-of-terrace dwelling with rear garden along with a green area adjoining an estate access road. It has approximately 35m frontage and the northeastern boundary of the site bounds a laneway serving the rear of dwellings within the estate.
- 1.2. The two-storey dwelling comprises three bedrooms and is served by a single-storey outbuilding in the rear garden. There is a small garden to the front of the dwellinghouse, but there is no space on site for parking a car. The rear garden is 30m in length and a line of mature hedgerows mark the side boundary with the adjoining residence, No. 3 Father Angelus Park. The boundary between the appeal site and the green area is formed by a stepped wall. The green area associated with the site is open onto the estate road.
- 1.3. Father Angelus Park is primarily characterised by rows of terraced dwellings fronting onto estate access roads and a central green space. The terrace of dwellings at Nos. 1 to 4 look southwards to the town centre and are elevated approximately 10m above the N5 Castlebar Road approaching a steep-hairpin access to the estate.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Demolition of a single-storey flat-roof outbuilding to the rear of the dwelling and removal of side boundary wall onto green area;
 - Construction of a pair of two-storey semi-detached dwellings each with front and rear gardens and each comprising three-bedrooms;
 - Construction of two-storey side and rear extensions to existing dwelling and internal alterations, including revised main entrance from the proposed side extension and replacement of existing front door with a window;

- Landscaping, boundary treatments, drainage, including revised alignment for sewer and other works.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to refuse permission for two reasons:

- R.1** inadequate private open space serving the proposed dwellinghouses;
- R.2** loss of the green area to the estate, which is considered an integral part of the layout and character of the estate.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer reflects the decision of the Planning Authority and noted the following:

- Currently no houses in Father Angelus Park have vehicular access off the estate road;
- Green area within the site forms part of the open space associated with the estate. Other green areas within the estate are not in private ownership;
- Rear gardens to the new dwellings would be 3.2m deep and only amount to 32sq.m, thereby providing inadequate open space for the new dwellings;
- Proposed new dwellings are out-of-character and context with the immediate environs.

3.2.2. Other Technical Reports

- Area Road Design Officer (RDO) – no objection, subject to conditions, including necessity for two off-street parking spaces for each site;
- Mayo National Road Design Office – no objection, subject to Area RDO requirements.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland – response states no objection.

3.4. Third-Party Submissions

- 3.4.1. During consideration of the application a total of ten submissions were received, eight of which were from current residents of the Father Angelus Park estate. Matters raised within the submissions are similar to those covered under the observations to the appeal below.

4.0 Planning History

4.1. Appeal Site

- P16/866 – Application **withdrawn** (January 2017) for renovation and extensions to dwellinghouse and construction of three dwellings.

4.2. Surrounding Sites

- 4.2.1. Recent planning applications within Father Angelus Park relate to domestic extensions (Mayo County Council Planning References 09800400 - No. 14, 08800069 – No. 15 & 08800038 – No. 24), while recent applications to the immediate south of the estate, generally relate to developments of a minor commercial nature.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Westport Town and Environs Development Plan 2010-2016 remains the statutory Plan for this area. Within the Development Plan the appeal site is zoned ‘Residential Phase 1 (A1 - High Density)’, which has a stated land-use objective ‘to protect, improve and develop residential areas and to provide for facilities and amenities incidental to those residential areas, where appropriate’. Housing is ‘normally

permitted' on lands zoned 'A1 Residential Phase 1', up to a density of 25 residential units per hectare.

5.1.2. The following policy and objectives are of relevance:

- **HP-03** - It is the policy of the Council to have regard to the Department of Environment, Heritage and Local Government Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) 2009 and Urban Design Manual – A best practice guide 2009 and any subsequent guidelines;
- **OO-03** - It is an objective of the Council to rationalise unused incidental open spaces, subject to compliance with OO-01 above, throughout the town;
- **ODO-03** - It is an objective of the Council to encourage the re-use of existing obsolete/derelict buildings/sites and develop or to facilitate the development of the backlands and obsolete areas, where appropriate.

5.1.3. Section 7.3 of the plan refers to building lines, stating that they should be set by the context of the proposed development and applicants should be encouraged to develop at a greater distance from the public roadway. Section 7.10 of the Plan also refers to building lines in housing estates, which should be at least 6m from the inside edge of the public footpath along the estate road, except at junctions where it may be required to increase this in order to create adequate sight distance. Building lines should be varied in large estates in order to avoid monotony and rigidity.

5.1.4. Section 7.10 of the Development Plan also provides standards relating to residential development including densities, layout and design and amenity space.

5.1.5. A minimum parking standard of two car spaces per dwellinghouse is required under the Development Plan, although innovation will be considered.

5.2. National Guidelines

5.2.1. Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes, Sustaining Communities and the Development Management - Guidelines for Planning Authorities' both issued by the Department of the Environment, Heritage and Local Government in 2007 are of relevance.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. The appellant has submitted a set of revised plans with the appeal, which reposition the proposed dwellings further forward on the site. The grounds of appeal are as follows:

- Previous application on site (MCC Ref. P16/866) was withdrawn in order to modify proposals taking into account third-party submissions;
- All the lands associated with the site are in private ownership and the lands are zoned for residential development;
- The Development Plan allows for private amenity space both in front and behind the building line, and as a consequence the 100sq.m requirement can be met in the proposals initially submitted with the application and in the revised proposals included with the appeal;
- Proposals provide for a wholly appropriate infill design, in keeping with the immediate context and do not impact on the residential amenities of neighbouring properties;
- Site location is not visually prominent;
- There is no evidential basis to suggest that the development would depreciate property values and Development Plan policy promotes reuse of under-utilised urban land;
- Proposals would meet the minimum car parking requirement and the location of parking would not impact on the character of the surrounding area;
- Proposals can be revised if deemed necessary by the Board.

6.2. Planning Authority Response

6.2.1. The Planning Authority did not respond to the grounds of appeal.

6.3. Observations

6.3.1. A total of five observations were submitted in relation to the grounds of appeal, each from residents of Father Angelus Park and raising the following:

General Principle

- Father Angelus Park is a settled residential community and no more housing is needed. The subject development would destroy the original layout;
- Development would extend into open space which is not under-utilised and has formed an integral green area and public realm for the estate for over 60 years;
- Proposals are speculative and would impact on the design aesthetics of the estate and the built heritage of the town;
- Mayo County Development Plan and Housing Strategy indicate a substantial excess of housing in Westport and there are several vacant houses in the Father Angelus Park estate;
- Proposals exceed the maximum housing densities allowed under the Development Plan zoning;

Impact on Amenities

- Proposals would be injurious to the residential amenity of neighbouring properties and would restrict light to neighbouring properties;
- Sufficient private amenity space and ancillary areas are not provided for the houses;
- Impact of the proposals on Nos. 3 & 5 Father Angelus Park has not been fully assessed, including concerns regarding overlooking of properties;
- Appeal site is highly-prominent and application lacks details regarding the visual impact of the proposals, which break the building line and would impact on views of Croagh Patrick and Westport town;

Traffic & Parking

- Increased traffic and parking would be generated in an area experiencing significant demand for parking;

- Provision of off-street parking crossing a footpath presents pedestrian safety concerns;
- Inadequate provision of parking to serve the new houses;
- Traffic safety concerns arise due to the proximity to the N5 Castlebar Road;

Extensions to Dwelling

- One of the observations from five households within the Father Angelus Park estate, does not object to the extensions proposed to the existing dwellinghouse;
- One observation (resident of No. 1 Father Angelus Park) considers that the side extension to the existing development would completely alter the front façade to the block of terraced dwellings, which are prominently located;

Other Matters

- Proposals to divert the existing town sewer would result in disruption to local residents;
- Proposals would depreciate the value of property in the vicinity;
- Purchase agreement for the green area on site preclude development of any sort in this area.

7.0 Assessment

7.1. Introduction

7.1.1. As part of their appeal, the applicant has submitted a revised set of drawings for the proposed development and I will consider the revised proposals separately, as part of my assessment below. Furthermore, I also assess separately the proposed extensions to the dwellinghouse on site under the heading 'Proposed Extensions' below. The main issues arising in the grounds of appeal are as follows:

- Principle of the Development;
- Residential Amenity;
- Revised Proposals;

- Proposed Extensions;
- Other Matters.

7.2. Principle of the Development

- 7.2.1. The appeal site comprises the end-of-terrace property located at No. 4 Father Angelus Park and the adjoining green area along the estate road. Within the Planning Authority reason for refusal No. 2, it is outlined that the green area within the site forms part of the open space associated with the estate. The observers to the appeal consider that this space forms an integral part of the original design and layout to the estate and is part of the public realm. On inspection it was clear that this green area has been maintained as open space for the estate, although it only comprises cut grass with limited aesthetic quality and limited use for recreational purposes. A town sewer is routed through the green area and the rear garden to No. 4, and this would be realigned as part of the proposed development. The observations to the appeal assert that there are certain burdens associated with the green area restricting development on this ground. I consider this to be a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of Section 34(13) of the Planning & Development Act 2000, as amended, and Chapter 5.13 entitled 'Issues relating to title of land' of the 'Development Management – Guidelines for Planning Authorities'.
- 7.2.2. Within the land-use zoning map accompanying the Westport Town & Environs Development Plan, the entire appeal site, including the green area, is zoned as 'Residential Phase 1 (A1 - High Density)', while the large central area of open space to the estate is zoned as 'Open Space'. Development Plan objectives OO-03 and ODO-03 generally look to rationalise and encourage use of underutilised land within the town. While I accept the previous and current function of this green area, I consider that the planning principle of developing housing on the appeal site zoned 'Residential Phase 1 (A1 - High Density)' is acceptable, subject to planning and environmental considerations addressed below.

7.3. Residential Amenity

- 7.3.1. The Development Plan requires housing proposals to merge successfully into the surrounding context and reason for refusal (No. 1) of the Planning Authority decision,

outlines that the contrived layout to the proposed housing would be injurious to the amenities of residents. The observers to the appeal also assert that the proposals would impact on the amenities of neighbouring properties, albeit, via restriction of light and overlooking. In terms of impacts on residential amenities, given the urban context, orientation and relationship with neighbouring properties, I do not consider that the proposed two houses would have a significantly overbearing impact on neighbouring properties, nor would the proposed houses result in excessive overshadowing of rear gardens or excessive loss of sunlight or daylight to dwellings.

7.3.2. The observations to the appeal assert that the proposed development would result in overlooking of properties. The Planning Authority did not specifically refuse the development for reasons relating to overlooking. The Development Plan states that layouts for housing should be designed so as to minimise the degree of overlooking onto back and side gardens from adjoining dwellings or gardens. The rear gardens to the proposed new houses back onto the side boundary and rear garden of No. 3 Father Angelus Park and the rear elevations to the proposed two houses, including bedroom windows at first-floor level, would be 3.2m from the rear garden of No. 3. Where rear first-floor windows directly overlook the gardens of neighbouring dwellings, a standard garden depth of 11m would be the norm, unless excessive direct overlooking can be designed out, for example, via window or boundary treatment design. At present the boundary between No. 3 and the rear of the proposed houses is formed by hedges and a more secure boundary would be required via condition to comply with Development Plan standards. Consequently, given the proximity of habitable room windows to the rear garden of No. 3, which at 3.2m falls significantly short of the standard requirement of 11m, I consider that the proposed development would have a detrimental impact on the residential amenities enjoyed by the occupants of No. 3 Father Angelus Park, as a result of undue direct overlooking of their rear garden from the proposed houses and loss of privacy.

7.3.3. The Planning Authority raise concerns regarding the inadequacy of private amenity space proposed to serve the two new houses, which would provide a poor standard of residential amenity for future residents and also referred to in reason for refusal No. 1 of the Planning Authority decision. The observations to the appeal also consider that sufficient private amenity space would not be provided for the houses. The proposed new houses, would be provided with approximately 33sq.m to 34sq.m

garden space behind the rear building line. The Development Plan requires a minimum area of a rear garden of 100sq. m, unless the overall design provides for adequate private open space. The appellant considers that this Plan requirement would facilitate for private amenity space both in front and behind the building line, and as a consequence the 100sq.m requirement would be met. It would be desirable to position the garden space to the rear of the dwelling and this is a specific requirement of the Development Plan, although National Guidelines consider that this is not always feasible in an urban infill site. The front and side garden to the proposed houses would be visible from the front street and, therefore, would not provide an adequate level of privacy for residents using this part of the garden space. Consequently, the proposed garden space to serve the proposed houses would be deficient in terms of size and would not provide for a suitable standard of amenity for future residents.

- 7.3.4. In conclusion, it is considered that the proposed development would have a detrimental impact on the residential amenities of the neighbouring dwelling at No. 3 Father Angelus Park, as a result of overlooking and loss of privacy, and would be seriously injurious to the residential amenities of future occupants of the proposed houses, as a result of the inadequate and substandard provision of private amenity space.

7.4. Revised Proposals

- 7.4.1. As noted above, the appellant has submitted a revised layout for the proposed development to address the Planning Authority's reasons for refusal. The revised proposals shift the two proposed house footprints forward by over 2m. This increases the rear garden depth and size, reduces the front garden area and removes the ability to provide off-street parking for the new houses.
- 7.4.2. The revised proposals would allow for increased rear garden depths of approximately 5.3m for both houses and approximately 56sq.m to 57sq.m garden space behind the rear building line to the new houses. While I note that this would be an improvement on the original proposals, the revised proposals would not significantly address the issues raised above with regard to overlooking and the inadequate and substandard provision of private amenity space. In conclusion, the

revised proposals do not overcome my concerns regarding the impacts on residential amenities.

- 7.4.3. The revised location of the proposed houses would break the building line set by the existing row of terraced housing, including No. 5 Father Angelus Park, to the northeast of the site. The observations to the appeal consider the site to be highly-prominent and by breaking the building line proposals, would impact on views within the estate of Croagh Patrick and Westport town. There are no views from within the estate that are designated for protection in the Development Plan and the area does not have any conservation status. The Development Plan outlines that building lines should be varied in large estates, in order to avoid monotony and rigidity. While I recognise the strong building line existing along the street, given the Development Plan standards and the 5.2m gap between the proposed houses and No. 5 Father Angelus Park, I consider that there would be scope to set the proposed housing slightly forward of the existing building line, as proposed.
- 7.4.4. On-street parking is proposed in place of off-street parking. Parking for housing within the estate is largely only available on the estate roads. While I note the request of the Roads Design Officer for each house to be provided with two off-street parking spaces, and the observations highlighting concerns regarding parking in the area, I do not consider it an unreasonable solution to solely provide on-street parking for the proposed houses, having regard to the character of the area.

7.5. Proposed Extensions

- 7.5.1. The reasons for refusal issued by the Planning Authority did not specifically refer to the proposed extensions to the existing dwelling on site. A two-storey rear extension is proposed with a depth of 5.5m at ground and first-floor level and set off the boundary with the adjoining property, No. 3 Father Angelus Park, by 1.6m. I consider that this aspect of the proposed development would be in keeping with the surrounding urban context and would not detrimentally impact on the amenities of neighbouring residents, as no overlooking would occur given the absence of northwest facing windows and as the scale of the rear extension set-off the side boundary is not excessive. I note that this rear extension would be visible from the street to the northeast, but I do not consider that this would have significant impact on the character of the area.

- 7.5.2. A two-storey side extension is also proposed and this is set back from the front building line of No. 4 by 0.6m, and below the roof ridge line by 0.25m. This side extension is proposed to provide a new entrance to the house and new stairway access to first-floor level. I have some reservations regarding the splayed arrangement of the side wall to this side extension relative to the streetscape, the design of which appears to have been largely dictated by the site boundary, the need to install a replacement stairway to first-floor and the building line of existing properties 31m to the northeast. Given the elevated and end-of-terrace location of the side extension onto an estate access road, it would be more preferable for the splayed side wall to be replaced with a side wall aligned to run parallel with the existing side wall, and I consider that there is scope for this to be achieved via condition. Furthermore, based on the floor plans submitted, I note that the revised internal arrangements to the existing house would result in the front door being replaced with a window, but this is not illustrated on the proposed elevation drawings submitted and this should be requested via condition.
- 7.5.3. In conclusion, subject to revisions to the side extension and revised front elevation details, the proposed extension to the dwelling would not seriously injure the residential amenity of property in the vicinity and would not have a detrimental impact on the visual amenities of the area. I note that the extension works are not dependent on the proposed housing, and I consider that permission should be granted only for this aspect of the proposed development.

7.6. Other Matters

- 7.6.1. The small scale of traffic and parking associated with the extended house and two additional houses would not create any issue regarding traffic safety or the capacity of the road network.
- 7.6.2. It is recommended that should the Board be minded to grant permission for the proposed housing, a suitably worded condition should be attached requiring the payment of Section 48 Development Contributions, in accordance with the Planning & Development Act 2000, as amended.
- 7.6.3. It is considered that the proposed development complies with standards outlined in Quality Housing for Sustainable Communities guidelines relating to internal layout and room sizes, although provision for 5sq.m. storage space in the new houses

would not be provided. Should the Board be minded to grant permission, revised proposals making provision for internal storage should be requested via condition.

8.0 **Appropriate Assessment**

Having regard to the minor nature of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

9.0 **Recommendation**

I recommend that a split decision should be made, to:

(1) Grant permission for:

- a) Demolition of a single-storey flat-roof outbuilding to the rear of the dwelling;
- b) Construction of two-storey side and rear extensions to existing dwelling and internal alterations, including revised main entrance from the proposed side extension and replacement of existing front door with a window;
- c) Provision of two off-street parking spaces;
- d) Landscaping, drainage and associated development works.

based on the reasons and considerations marked (1) under and subject to the conditions set out below (section 11.0), and

(2) Refuse permission for:

- a) Removal of side boundary wall onto green area;
- b) Construction of a pair of two-storey semi-detached dwellings;
- c) Revised alignment for sewer.

based on the reasons and considerations marked (2) under (section 12.0)

10.0 Reasons and Considerations (1)

Having regard to the zoning, nature and scale of the proposed extensions to No. 4 Father Angelus Park, and the existing pattern of development in the vicinity, it is considered that subject to compliance with the conditions below, the proposed side and rear extensions to the existing house would not be out of character with existing development within the area, would be acceptable in terms of visual impact and traffic safety, and would not seriously injure the residential amenities of the area or of property in the vicinity. The proposed extensions would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The proposed extensions to No. 4 Father Angelus Park 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 development shall be amended as follows:
 - (a) the splayed alignment to the side extension side wall shall be omitted and replaced with a side extension side wall aligned parallel with the side wall of the existing house;
 - (b) revised front elevation details to the house proposed to be extended showing the new window to the existing front elevation replacing the front door.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development.

Reason: In the interests of visual amenity.

3. The external finishes of the proposed extension, shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

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. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

12.0 Reasons and Considerations (2)

1. Having regard to the established character and pattern of development in the vicinity, it is considered that, given the proximity of the rear first-floor windows of the proposed two houses to the boundary and rear garden to No. 3 Father Angelus Park, the proposed additional housing would represent overdevelopment of the site and would seriously injure the residential amenities of the area by reason of overlooking and loss of privacy for adjoining residents and would be contrary to residential development standards set out in the Westport Town and Environs Development Plan,

which seek to minimise overlooking of gardens. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the layout and design of the proposed houses with inadequate provision of garden space behind the rear building line and below Development Plan standards, would constitute a substandard form of development, would be seriously injurious to the residential amenities of future occupants of the houses and would be contrary to the residential development standards set out in the Westport Town and Environs Development Plan. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colm McLoughlin
Planning Inspector

21st September 2017