



An  
Bord  
Pleanála

## Inspector's Report PL16.248483

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<b>Development</b>	Demolition of rear projection and two front bay features to dwelling, construction of front and rear extensions and new vehicular access.
<b>Location</b>	Roosky, Claremorris, County Mayo
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	16/908
<b>Applicant(s)</b>	Patrick Anderson
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third-Party
<b>Appellant(s)</b>	Peter Griffin
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	22 <sup>nd</sup> August 2017
<b>Inspector</b>	Colm McLoughlin

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Roosky, on the southwest of Claremorris town in County Mayo. It is located on a local road, which is accessed off the R331 regional road and approximately 1km from the town centre. This local road leads westwards to the villages of Ballyglass and Mayo Abbey.
- 1.2. It contains a vacant single-storey two-bedroom detached dwelling of traditional design featuring a steeply-pitched roof. A single-storey flat-roof rear projection and original front-bay windows appear to have been recently removed and the dwelling sealed. The external finishes to the dwelling include painted render and a slate roof. To the front of the dwelling is a garden area that has been sealed off for construction purposes with an access flanking the northwestern boundary leading to a rear garden with a depth of approximately 31m. The southwest elevation of the dwelling on site is constructed onto the southeastern boundary with the adjoining residential property and includes windows overlooking this neighbouring property.
- 1.3. The surrounding area is generally characterised by detached dwellings of differing styles and ages, set back from and fronting onto the local road. Ground levels in the area drop steadily in an easterly direction towards the town centre and Clare Lough.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the following:
  - Demolition of a single-storey flat-roof rear projection and two front bay-window features;
  - Construction of a single-storey flat-roof rear extension and a single-storey flat-roof front extension;
  - Revised internal layout and elevation alterations, including blocking up of two window opes to the southeast side elevation and provision of a rooflight to the southeast roof pitch;
  - Landscaping, including revised boundary treatments;
  - New vehicular access, including provision of parking to the front of dwelling;
  - Ancillary works including connections to local environmental services.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

3.1.1. The Planning Authority decided to grant permission subject to six conditions, each of which are of a standard nature, including the following requirements:

**C.5** Development not to overhang or encroach neighbouring property;

**C.6** Hedgerows, trees and shrubs on site to be preserved.

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

#### **3.2.1. Planning Report**

The report of the Planning Officer reflects the decision of the Planning Authority.

The Planning Officer noted the following:

- Further Information requested for the following:
  - Longitudinal cross-section through the site;
  - Reduced size to extension and an increased separation distance from the northwestern boundary;
  - Revised front elevation;
  - Revised location for vehicular access.
- Proposed extensions are sympathetic to the existing building;
- Additional privacy measures and revised access location acceptable;
- Third-party submission generally raises legal/civil matters;
- Proposed extensions resulting in a site coverage of 20% is not excessive.

#### **3.2.2. Other Technical Reports**

- Area Engineer – following submission of Further Information, no objection subject to conditions.

### **3.3. Prescribed Bodies**

#### **3.3.1. None**

### **3.4. Third-Party Submissions**

- 3.4.1. One submission was received during consideration of the application, raising similar issues to those referred to in the grounds of appeal below.

## **4.0 Planning History**

### **4.1. Subject Site**

- 4.1.1. None.

### **4.2. Surrounding Sites**

- 4.2.1. There have been numerous planning applications approved in the vicinity and these primarily relate to proposals for new dwellings and domestic extensions. Permission for development on the two adjoining properties was granted under the following references:

- Property to Northwest – MCC Ref. P02/504 – Permission **granted** (June 2002) for dwellinghouse.
- Property to Southeast – ABP Ref. 16.130647 (MCC Ref. P01/2050) – Permission **granted** (January 2003) for dwellinghouse and garage. Condition 2 modified by An Bord Pleanála requiring ‘the house to be relocated on site so that the front of the building aligns with the front of the existing dwelling on the adjoining site to the west’ (the appeal site), generally to address privacy, overlooking and design matters.

## **5.0 Policy Context**

### **5.1. Mayo County Development Plan**

- 5.1.1. The appeal site has a zoning objective ‘Residential - Low Density (up to 5 units per hectare)’ within the Claremorris Area Plan (Map CS1), which is integrated into Volume 1 of the Mayo County Development Plan 2014-2020. Uses generally permitted in the ‘residential low density’ zone include ‘houses’ with the following also applying:

- Development which is compatible with the adjacent land-use zoning and which will not have an adverse effect on existing uses may be permitted;
- All proposals that would be detrimental to established or future residential amenity will not be permitted.

5.1.2. Map CS2 of the Plan identifies a 'walk and cycleway' objective KTCS-09 extending close to the appeal site along the line of a disused railway line and connecting with the town centre.

5.1.3. Volume 2 of the Development Plan provides development management standards including standards for residential development, which primarily relate to multiple-unit housing schemes. The Plan outlines plot ratio, site coverage and densities standards for housing in urban areas. The Plan also briefly addresses issues relating to privacy, access to sunlight and daylight and overshadowing.

5.1.4. Section 16.3 of Volume 2 to the Development Plan provides minimum visibility requirements from a new access onto a public road in an urban and rural setting. The appeal site is located inside the urban speed limit zone of 50km/h, and based on the standards contained within Table 3 of Volume 3, 49m of unobstructed visibility is required in both directions, setback 2.4m from the edge of the roadside at the proposed vehicular exit.

## **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 resides and owns the adjoining residential property to the southeast of the appeal site. The principal grounds of appeal can be summarised as follows:

Extension Works

- The proposed extension is too close to the appellant's property and would require access from his property during construction and for maintenance purposes. The appellant considers that this would impinge on his property rights;

#### Boundary Treatments

- Appellant does not want the existing post and rail boundary fence running along the boundary with his property to be removed, but does not object to the provision of the proposed block wall inside this, subject to this being constructed and maintained within the applicant's property;

#### Other Matters

- Insurance concerns relating to risks associated with the maintenance of the adjacent subject property from the appellant's property;
- No objection in principle, if it does not impinge on his property rights.

A set of photographs has been submitted in support of the grounds of appeal.

## **6.2. Applicant's Response**

6.2.1. A response was submitted on behalf of the applicant, which may be summarised as follows:

- A separation distance of 0.3m would be provided between the proposed extension and the southeastern boundary with the appellant's property;

Note: reference is made to an appended letter from applicant's solicitor to the grounds of appeal, but this was not on file.

- Post and rail fence along the boundary with the appellant's property would not be removed as part of the subject proposals;
- Applicant would hold public liability insurance during the course of the build.

## **6.3. Planning Authority Response**

6.3.1. The Planning Authority has no further comment on the grounds of appeal.

## **6.4. Observations**

6.4.1. None.

## **7.0 Assessment**

### **7.1. Introduction**

7.1.1. The principle of extending the existing house on this suburban site, zoned for 'Residential Low Density' development, is acceptable, subject to planning and environmental considerations outlined below. It is also considered that the proposed development complies with relevant standards for internal layout and room sizes, open space and parking provision. Consequently, the main issues for consideration in my de novo assessment of the proposed development are as follows:

- Impact on Residential Amenity;
- Traffic Safety;
- Design & Impact on Visual Amenity;
- Other Matters.

### **7.2. Impact on Residential Amenity**

7.2.1. Both adjacent dwellings, including the appellant's dwelling, are constructed on a similar front and rear building line to the subject property. Land levels drop gradually from northwest to southeast, with the subject property slightly above the appellant's property to the southeast. The appellant's dwelling would be over 11m from the proposed extension, while the dwelling to the northwest would be over 5m from the proposed extension. The proposed single-storey rear extension would be constructed to a depth of 9m and would include a flat roof with a maximum height of 3.5m. The proposed extension would be constructed 0.3m off the boundary with the appellant's property and a minimum of 2.5m from the property to the northwest. Revised and new boundary treatments are proposed to the rear of the subject dwelling, including a 1.8m-high block wall to the southeast boundary and 2m-high picket fence to the northwest boundary. While I recognise that the size of the rear extension is quite large, almost doubling the size of the original house, the design, size and scale of the proposed extensions and side boundaries and the relationship



with the neighbouring properties is quite typical in terms of modern suburban development and would not be excessive particularly considering the separation distances achieved and plot sizes. Accordingly, I do not consider that the proposal would have an overbearing impact on neighbouring properties or would result in excessive overshadowing of neighbouring properties. Furthermore, considering the positioning, size, design and height of the proposed single-storey front and rear extensions, potential for the proposed development to excessively restrict sunlight and daylight to neighbouring properties is limited.

7.2.2. Originally there were two windows in the southeast side elevation of the dwelling on the appeal site, sitting on the southeast boundary overlooking the appellant's property. I note that the revised internal layout enables the original windows to be blocked up. The proposed works would result in two new windows, two replacement bathroom windows and a new door in the northwest elevation, approximately 2.5m to 4m from the side boundary. This set back and the proposed 2m-high picket fence ensures that excessive overlooking to the northwest would not occur. The absence of windows on the southeast side elevation, including the blocking up of two original windows, further ensures that the proposals would not result in overlooking of the appellant's property.

7.2.3. Having regard to the above considerations, the development would not give rise to unacceptable impact on residential amenity and should not be refused for this reason.

### **7.3. Traffic Safety**

7.3.1. The appeal site is positioned on the outside of a slight bend on a local road within the urban speed-limit zone of 50km/h. A footpath has recently been constructed fronting the appeal site and this is 5m to 8m in width. The original property does not appear to have been served by a vehicular access and a new access is now proposed. Following a request for further information, informed by the Area Engineer's requirements, and the subsequent submission of a response to the further information request, the proposed new vehicular access was repositioned from the west side of the front boundary to the east side, where it would avail of the existing dropped kerb. Unobstructed visibility along the local road fronting the appeal site would be possible in both directions for a distance greater than 49m,

2.4m from the back edge of the road. The proposed access meets the requirements of the Development Plan, and the Area Engineer for Mayo County Council has no objection to the revised proposed development. Consequently, considering the proposed access and parking arrangements and the low volume of traffic which would arise, the proposed development would not give rise to traffic hazard and should not be refused for this reason.

#### **7.4. Design & Impact on Visual Amenity**

- 7.4.1. Proposals would provide for a single-storey extension to the front of the dwelling, the design of which was amended following a further information request from the Planning Authority. Extensions to the rear of the house would not be highly visible from the public realm. It is noted that this area is not provided with any conservation status and the character of the neighbouring street is largely defined by detached housing from different eras fronting the local road. The contemporary design of the proposed front extension relative to the vernacular detached cottage-style house on site is noted, and I consider that the palette of finishes and general proportions are complementary and sympathetic to the original dwelling. The proposed front extension would break the building line established with the adjacent dwellings to the northwest and southeast, a matter which was addressed within a previous appeal (ABP Ref. 16.130647). However, considering the wider context including the positioning of neighbouring dwellings to the east of the appeal site and the lack of a definitive rhythm to the streetscape, I consider that the proposed development would not unduly impact on the character of the streetscape by virtue of breaking the building line.
- 7.4.2. Following the request for further information, the applicant provided additional details regarding proposed boundary treatments. A 1.8m-high block wall and 2m-high picket fence is proposed to the southeast and northwest side boundaries respectively, behind the front building line, and these are typical in this suburban residential context and, therefore, appropriate. The grounds of appeal object to the removal of the post and rail fence along the southeast boundary and I note that the applicant has confirmed that this is to remain.
- 7.4.3. To the front of the appeal site and forward of the dwelling on site, it is proposed to increase the height of the boundary walls to 1.4m. This would generally match the

height of the piers on the front boundaries of the adjoining properties. Front boundary walls serving the majority of neighbouring properties along the street are typically 1m high, although a front boundary wall of similar height to that proposed on the appeal site exists on the property on the opposite side of the local road. The front boundary is set well back from the road edge. In this context, I consider a slightly higher front boundary, as per that proposed, is reasonable. I note that it is proposed to provide hardstanding only to the front of the house, to best facilitate access and parking. Other properties in the vicinity comprise some element of garden space and soft landscaping to the front and I consider that an element of soft landscaping should be provided in this space to integrate the development with surrounding properties and the edge of town location, and to best facilitate sustainable urban drainage. I consider that this would not be overly onerous and can be addressed by an appropriate planning condition.

- 7.4.4. In conclusion, the proposed development would not be so detrimental such that it would detract from the visual amenity of the area and the proposed development should not be refused for this reason.

## **7.5. Other Matters**

- 7.5.1. The grounds of appeal primarily focus on matters relating to access, insurance and property rights and I note the appellant's response to these matters. Such issues are civil matters and I do not propose to adjudicate on these issues. I note here the provisions of Section 34(13) of the Planning & Development Act 2000, as amended and 'Issues relating to Title of Land' referred to in Chapter 5.13 of the 'Development Management - Guidelines for Planning Authorities' (DoECLG June 2007). Accordingly, I am satisfied that the permission should not be refused because of civil issues.

## **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 planning permission should be **granted**, subject to conditions, as set out below.

## 10.0 Reasons and Considerations

Having regard to the zoning, nature and scale of the proposed development, and the existing pattern of development in the vicinity, it is considered that subject to compliance with the conditions below, the proposed development 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 development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further information received by the Planning Authority on 29<sup>th</sup> March 2017, 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. Prior to commencement of development revised site layout drawings, which provide for the provision for soft-landscaping, incorporating sustainable urban drainage in the front garden area, shall be submitted to, and agreed in writing with, the Planning Authority. The proposed development shall be

implemented in accordance with the agreed plans.

**Reason:** In the interest of visual amenity, environmental protection, public health and to ensure a proper standard of development.

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.

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Colm McLoughlin  
Planning Inspector

6<sup>th</sup> September 2017