



An
Bord
Pleanála

Inspector's Report ABP-301186-18

Development	Retain pedestrian access gate at rear boundary of dwelling
Location	8 The Elms, Westport, County Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	P17/1003
Applicant(s)	Anne Rocliffe
Type of Application	Retention Permission
Planning Authority Decision	Refuse
Type of Appeal	First-Party
Appellant(s)	Anne Rocliffe
Observer(s)	None
Date of Site Inspection	1 st June 2018
Inspector	Colm McLoughlin

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1.0 Site Location and Description

- 1.1. The appeal site is located to the south of Westport town centre in County Mayo. The site is located within The Elms, a residential estate dating from the 1990s and comprising rows of two-storey terraced housing. The appeal site contains a two-storey mid-terrace house with a garden and driveway, with space for one vehicle, to the front and gardens to the rear. The site backs onto Prospect Avenue, a cul-de-sac containing former local welfare offices and residential properties, including a row of four cottages, which are Protected Structures dating from the late 18th century. The boundary between The Elms and Prospect Avenue comprises an ivy-covered stonewall with a green-painted timber-panel pedestrian gate at the appeal site, which is the subject of this appeal.

2.0 Proposed Development

- 2.1.1. The development proposed to be retained comprises the following:
- Garden gate to rear boundary of house.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to refuse permission for two reasons, which can be summarised as follows:
- **Reason No.1** – impact on Architectural Conservation Area (ACA) and Protected Structures;
 - **Reason No.2** – impact on amenities of residents along Prospect Avenue, including traffic safety and property value depreciation.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the Planning Officer (February 2018) reflects the decision of the Planning Authority. The Planning Officer notes the following:

- the stonewall boundary is the original boundary between Prospect Avenue and Bakers' House. Prospect Avenue is within Westport Town ACA and includes four cottages which are Protected Structures;
- the new gate has a significant visual impact on the character and appearance of Prospect Avenue with a wheelie bin noted to be outside the gate on Prospect Avenue on the day of the site inspection;
- use of Prospect Avenue for wheelie bins would impact on the freeflow of traffic along this narrow laneway and make it unusable for residents;
- six other houses in The Elms back onto Prospect Avenue and the development could lead to precedent for similar development.

3.2.2. Other Technical Reports

- Roads Design Office – no observations;
- National Regional Design Office – no observations;
- Architectural Conservation Officer – proposal impacts on the character of Westport Town ACA, impacts on the setting of neighbouring Protected Structures, sets precedent for similar development and presents parking problems.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland (TII) - no observations.

3.4. Third-Party Submissions

3.4.1. Two submissions were received during consideration of the application, one of which was from the executors of a will relating to a property known as 'The Laurels' at the southern end of Prospect Avenue, and one of which was submitted on behalf of the residents of Nos.1, 2, 3 and 4 Prospect Avenue. The following concerns were raised within these submissions:

- visual impact - unsightly bin storage and damage to stonewall;
- traffic safety – reduction in parking and increased parking demand, impact on traffic movement and provision of pedestrian access directly onto a road;

- residential amenity – reduction in peace and tranquillity;
- planning precedent – Prospect Avenue would become bin collection/storage area for The Elms;
- architectural heritage – impact on the ACA and Protected Structures.

4.0 Planning History

4.1. Appeal Site

- 4.1.1. I am not aware of any recent planning applications relating to the appeal site.

4.2. Surrounding Sites

- 4.2.1. Recent planning applications in the vicinity primarily relate to amendments and extensions to residential properties.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. Westport Town & 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 zoning objective 'to protect, improve and develop residential areas and to provide for facilities and amenities incidental to those residential areas, where appropriate'. Prospect Avenue to the rear of the site is included within the Westport Town Centre ACA, while the four cottages to the rear of the site are identified as Protected Structures (RPS Refs. 072, 073, 074 and 075) within Map 3 and Appendix 1, Part 3 of the Development Plan.
- 5.1.2. Section 4 of the Development Plan includes policies and objectives, the following of which are of relevance to this appeal:
- HO-02 – 'to protect, improve and develop residential areas and to provide for facilities and amenities incidental to those residential areas';

- TP-01 – ‘to maintain, conserve and protect the architectural quality, character and scale of the town’;
- TO-02 - ‘to designate the town centre as an Architectural Conservation Area as defined on Map 3. New developments shall support the architectural integrity, quality and character of such areas’;
- TO-03 – ‘to protect the protected structures and their settings on the Record of Protected Structures ..’.
- TO-05 – ‘to ensure that any alterations or interventions to protected structures shall be executed to a high conservation standard in order to protect their significance or value’;
- TO-06 – ‘to reuse existing limestone kerbing/paving in any upgrading works undertaken in the streets of Westport and the Quay area’.

5.1.3. Section 7.4 of the Development Plan outlines that a minimum parking standard of two car spaces per dwellinghouse is required.

5.1.4. Section 7.9 of the Development Plan refers to ‘site boundaries’ and states that ‘boundary walls between developments should be designed to provide privacy for the occupiers of developments and be designed using appropriate materials. All walls within new residential developments visible from the public domain shall be constructed from local natural stone unless an alternative finish is required by the Planning Authority’.

5.2. **National Guidelines**

5.2.1. The following guidelines are relevant to this appeal:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009);
- Architectural Heritage Protection: Guidelines for Planning Authorities (2011).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal has been lodged against the Planning Authority's decision to refuse to grant retention permission. The following grounds of appeal are raised:

- visual impact – gate is tastefully designed, recessed, painted green, supplemented by screen planting and barely visible;
- rear access – it is unreasonable to expect all residents to take bins, bikes etc. through their homes. The refuse vehicle already reverses onto Prospect Avenue to collect bins of residential properties;
- traffic and parking – ample parking is available within The Elms, Prospect Avenue is a public road and it would not make sense for residents of The Elms to park on Prospect Avenue. Applicant would be willing to accept a condition to restrict them from parking on Prospect Avenue;
- architectural heritage – stonewall boundary is not original, as it was built with The Elms in 1994 and is in control of property owners along The Elms;
- other Matters – questions the bona fides of the objectors.

6.1.2. The appeal is accompanied by a waste management statement of account for the appeal site, copies of consultation responses and a set of photographs of the appeal property and surrounding area.

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. None.

6.4. Further Submissions

- 6.4.1. Consultation was undertaken by An Bord Pleanála with the Department of Culture, Heritage and the Gaeltacht, The Heritage Council, Fáilte Ireland, The Arts Council and An Taisce. No responses were received.

7.0 Assessment

7.1. Introduction

- 7.1.1. I consider the substantive planning issues arising from the grounds of appeal and in assessing the application and appeal are as follows:

- Impact on Architectural Heritage;
- Traffic Safety.

7.2. Impact on Architectural Heritage

- 7.2.1. Reason for refusal No.1 of the Planning Authority's decision refers to the negative impact that the pedestrian access gate has on the Westport Town Centre ACA and the neighbouring Protected Structures. Reason for refusal No.2 refers to the precedent that the development would set, should retention permission be granted. The Planning Officer's Report assessing the proposed development for retention noted that the stonewall boundary containing the subject gate, is the original boundary between Prospect Avenue and Bakers' House. In response to this, the grounds of appeal assert that the stonewall boundary is not original, as it was built with The Elms residential estate in 1994. The grounds of appeal also assert that the gate is tastefully designed, recessed, painted green, supplemented by screen planting and, as such, is barely visible.
- 7.2.2. Prospect Avenue is within the Westport Town ACA, while The Elms, including the appeal site, is a development dating from the early 1990s and is not within the ACA. A row of four cottages, facing the stonewall to the rear of The Elms on Prospect Avenue, are Protected Structures dating from the late 18th century (RPS Refs. 072, 073, 074 and 075). The National Inventory of Architectural Heritage (NIAH) notes

that these are regionally-important terraced five-bay single-storey officer's houses, built in 1794 and originally part of the Westport Infantry Barracks.

- 7.2.3. Policy TP-01 and Objectives TO-02, TO-03 and TO-05 of the Development Plan are aimed at protecting the historic character of the town, the ACA and Protected Structures. Where retention permission is proposed within an ACA, the Architectural Heritage Protection Guidelines for Planning Authorities (2011) require an assessment to be made as per any other type of application, including whether or not the development conflicts with any policies for the area or whether it would set an undesirable precedent for similar developments.
- 7.2.4. Historical Ordnance Survey mapping for the area illustrates that the subject wall along Prospect Avenue was not part of the original Westport Infantry Barracks. I am satisfied that there was no functional or historical connection between the Protected Structures and the subject stonewall. As the gate is recessed and is largely screened by planting, views of the gate are restricted to an area immediate to it. Consequently, there is no significant impact on the setting or character of the Protected Structures, the ACA or the historic townscape. The Planning Authority concerns largely focus on the use of the area adjoining the gate for bin storage, which they consider detracts from the visual amenities of the area. Bins were stored within the appeal site rear garden area during my site visit and I note that any storage of bins would be only temporary, as is currently a necessity for other properties along Prospect Avenue. I note that of the other six properties backing onto the subject stonewall on Prospect Avenue, only two houses (Nos.5 and 6) immediate to the appeal site would not have a necessity for access to the rear, as side access to the rear is potentially available for the remaining houses. Consequently, I am satisfied that permission for the development would not provide precedent for the proliferation of access gates onto Prospect Avenue.
- 7.2.5. In conclusion, the installation of a gate to the rear boundary, involving limited physical works that are not highly visible, complies with Policy TP-01 and Objectives TO-02, TO-03 and TO-05 of the Development Plan, which are aimed at protecting the historic character of the town, Protected Structures and the ACA and would not reasonably set precedent for similar development. Accordingly, I recommend that permission should not be refused on this basis of the impact of the proposed development for retention on architectural heritage.

7.3. Traffic Safety

- 7.3.1. Reason for refusal No.2 refers to the impact of the development on the amenities of residents along Prospect Avenue, including traffic safety issues that have arisen. In arriving at this the Planning Authority assert that the use of Prospect Avenue for wheelie bins has impacted on the freeflow of traffic along the laneway and makes it unusable for residents. In response to this, the grounds of appeal assert that there is sufficient space for parking within The Elms development, consultation with bodies responsible for traffic matters did not raise an issue with parking or traffic and any use of Prospect Avenue for refuse collection would be temporary and limited.
- 7.3.2. Prospect Avenue measures 100m in length, terminates at 'The Laurels', a detached residential property, and serves a total of seven residential properties and a former local welfare office. Off-street parking is available for three of the residential properties. The road serving Prospect Avenue measures approximately 7m in width and is not served by footpaths. There are no measures restricting parking along the street and on-street parking is available along the length of the street. The Elms residential estate is served by a mix of both off-street and on-street car parking. Section 7.4 of the Development Plan outlines that a minimum parking standard of two car spaces per dwellinghouse is required under the Development Plan.
- 7.3.3. Given the width and length of roadway, scope for parking and the limited amount of traffic along Prospect Avenue, as well as the capacity for parking within The Elms and the parking requirement based on Development Plan standards, the proposed development for retention would not lead to parking congestion or significant inconvenience for residents and would not have a negative impact on the operation and safety of traffic on Prospect Avenue. Accordingly, I recommend that permission should not be refused for reasons relating to traffic safety.

8.0 Appropriate Assessment

Having regard to the minor nature of the proposed development for retention, the existing development on site, 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 the condition, as set out below.

10.0 Reasons and Considerations

Having regard to the nature, scale and location of the proposed development for retention, the historical pattern and character of development in the area and the limited physical works and visual impact of the subject gate, it is considered that, subject to compliance with the condition set out below, the proposed development would not detract from the character or setting of neighbouring Protected Structures, the Westport Town Centre Architectural Conservation Area and historic townscapes, would be acceptable in terms of traffic safety and convenience and would be in accordance with the provisions of the Westport Town & Environs Development Plan 2010-2016. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Condition

1. The development shall be retained in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

Colm McLoughlin
Planning Inspector

26th June 2018