



An  
Bord  
Pleanála

## Inspector's Report ABP-301762-18

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<b>Development</b>	CONSTRUCT 4 NO. TERRACED DWELLING HOUSES WITH CONNECTION TO PUBLIC SERVICES AND ALL ASSOCIATED SITE WORKS
<b>Location</b>	DAVITTS TERRACE, Castlebar, Co Mayo
<b>Planning Authority</b>	Mayo County Council
<b>Planning Authority Reg. Ref.</b>	171036
<b>Applicant(s)</b>	Davil Properties Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Davil Properties Ltd.
<b>Date of Site Inspection</b>	20 <sup>th</sup> July 2018
<b>Inspector</b>	Donal Donnelly

## 1.0 Site Location and Description

- 1.1. The appeal site is located on Davitt's Terrace to the north of the town centre of Castlebar, Co Mayo. Davitt's Terrace is the name given to the section of the R310 Regional Road between New Antrim Street to the south and Pontoon Road to the north. The R310 is the main access into the northern part of the town and is mostly residential in character in the vicinity of the site, with occasional commercial uses.
- 1.2. The appeal site is on the eastern side of the road and is surrounded on three sides by residential development. Harmony Heights backs onto the rear boundary, with dwellings located well above the level of the site. The site is roughly square shaped and the stated area is 807 sq.m. The site is currently in an overgrown condition.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of 4 no. 3 bedroom terraced dwelling houses (105 sq.m.) with connection to public services and all associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. Mayo County Council issued notification of decision to grant permission for the proposed development subject to 10 conditions. Condition 2 the subject of this appeal states as follows:

*“Three houses only shall be erected on the total site area submitted with this application. A revised site layout shall be submitted to and agreed in writing with Mayo County Council prior to commencement of development.*

***Reason:*** *In the interests of residential amenity.”*

### 3.2. Planning Authority Reports

- 3.2.1. The recommendation to grant permission in the Planner's Report reflects the decision of the Planning Authority.

- 3.2.2. The Planning Authority requested further information in the form of elevations and plans indicating heights, depths, types, durable materials and finishes to be used for all permanent boundary treatments.
- 3.2.3. An advice note submitted with the further information request stated that Mayo County Council has serious concerns that the proposal constitutes over-development of this confined town centre site having regard to the number of houses proposed (with excessively deep gables neighbouring single storey cottages) and a narrow laneway accessing rear gardens. The applicant was advised to submit proposals for a lower density development of no more than two dwelling units, stating that terraced units are unacceptable at this location. It was also advised that the use of laneways to the rear of dwellings is not considered acceptable.
- 3.2.4. In response, the applicant submits that the site is zoned Residential/ Commercial and that the low density zoning refers to the infill site to the north. However, the Council still considers that the proposal represents overdevelopment of the site and would allow for poor residential amenity for future occupants with regards to the size of dwelling units. It is stated that the omission of one unit would allow for a higher standard of design with larger units that will allow for improved residential amenity for occupants.

## 4.0 Planning History

- 4.1. None recent.

## 5.0 Policy Context

### 5.1. Castlebar & Environs Development Plan 2008-2014 (incorporating variations 1-5) as extended

- 5.1.1. The appeal site is zoned "Objective F: Residential/ Commercial". The site is also designated within residential Phase 1.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A first party appeal was submitted against Condition 2 of the Council's decision only. The grounds of appeal and main points raised in this submission as summarised as follows:

- Condition 2 undermines the viability of the permission.
- Omission of 4<sup>th</sup> dwelling is unnecessary and unjustified.
- The 4 no. dwellings as proposed would provide a high quality of residential amenity, contrary to the assumption of the Planning Authority.
- Permission was previously permitted on the subject site for 6 no. apartments, establishing the suitability of the site for more intensive development. Apartment sizes ranged from 46.5 sq.m. to 105 sq.m.
- Proposal has site coverage of 29% and plot ratio of 0.58:1, which is relatively low by urban infill standards.
- It appears that the Planning Authority would prefer to follow the low density pattern of semi-detached single housing to the south of the town rather than the more modern pattern of reasonably high density terraced street to the north.
- Houses are intended to serve smaller households, which are emerging as the majority house type in Ireland, and are under served in many residential developments.
- There are no minimum house sizes in the Development Plan and therefore conclusion of Planning Authority that houses are too small is baseless. Page 113 actually states that household size is falling and smaller residential units are required.
- Page 62 of Development Plan defines a "family oriented dwelling" as containing "two bedrooms or more and sufficient internal floor space to accommodate at least a small family (65 sq.m.)".

- Decision of the Planning Authority is at odds with the National Planning Framework, which explicitly stresses the importance of infill development within built up areas. National Policy Objective 22 states that "...there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages...".

## 6.2. Planning Authority Response

6.2.1. No response.

## 7.0 Assessment

- 7.1. This is a first party appeal against Condition 2 only attached to Mayo County Council's decision to grant permission for a terraced residential development with connection to public services and all associated site works at a vacant site on Davitt's Terrace, Castlebar, Co. Mayo. Permission was sought for 4 no. dwellings and Condition 2 requires that only 3 no. houses shall be erected on the total site area submitted with this application.
- 7.2. I concur with the Planning Authority that the principle of developing this site is acceptable and accordance with the aims and objectives of the Development Plan, and that there will no adverse impacts on the amenities of the area. As noted by the Planning Authority, the site has lain vacant for some time and its redevelopment will contribute positively to the area. I note there may be potential for overlooking of the site from existing dwellings on higher ground to rear. I would be satisfied, however, with the separation distance between existing and proposed dwellings of approximately 22-23m and the intervening boundaries/ vegetation.
- 7.3. Having regard to the above, I am satisfied that an assessment of the case *de novo* would not be warranted, and that the Board should determine the matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act, 2000 (as amended).
- 7.4. Under its assessment of the application, the Planning Authority concluded that pre-planning advice had not been taken into account regarding the types and quantum of dwellings on site. Further information was issued to the applicant with a note

advising that the site is zoned low density residential and that the proposal constitutes overdevelopment of a confined town centre site.

- 7.5. In response to the further information request, the applicant stated correctly that the site is not zoned for low density residential development. However, the Planning Authority, whilst welcoming the development of the site in principle, still maintained that the number of proposed units is excessive and would allow for poor residential amenity for occupants with regard to the size of the proposed dwelling units.
- 7.6. The applicant submitted within the first party appeal that the proposed development has a site coverage of 29% and plot ratio of 0.58:1, which is relatively low by urban infill standards. It is stated that the proposed houses are intended to serve smaller household and in this regard it is recognised in the Development Plan that household sizes are falling and smaller residential units are therefore required. Finally, reference is made to National Policy Objective 22 of the National Planning Framework which states that “...*there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages...*”.
- 7.7. The proposed development consists of 105.2 sq.m. dwellings on a site with an area of 0.0807 hectare. This equates to a density of c. 50 dwellings per hectare which is appropriate for an infill site in proximity to the town centre and immediately adjacent to a bus stop. I agree that the plot ratio and site coverage is also appropriate and there is sufficient amenity space to the rear of all dwellings.
- 7.8. In terms of internal space, the target gross floor area for 3 bed/ 5 person 2-storey house (92 sq.m.) as set out in the Quality Housing for Sustainable Communities – Guidelines is well exceeded for each dwelling. The minimum living area and aggregate living area is also exceeded, along with the aggregate bedroom area. The area of the main bedroom is 13 sq.m., which meets that advised in the Guidelines. The proposed dwellings may be somewhat under provided for in terms of storage; however, this is offset by built-in wardrobes within each bedroom and the overall floor area in excess of the minimum by 13.2 sq.m.
- 7.9. Having regard to the above, I consider that a terrace of 4 no. townhouses in a location immediately to the north of Castlebar town centre is an appropriate form, density and type of development that maximises the efficiency of the site.

### Appropriate Assessment

- 7.10. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location, no appropriate assessment issues arise.

## **8.0 Recommendation**

- 8.1. Having regard to the nature of Condition 2 the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 (as amended) to REMOVE Condition 2 for the reasons and considerations hereunder.

## **9.0 Reasons and Considerations**

Having regard to the location of the site adjoining the town centre, and to the proposal for 4 no. townhouses at an appropriate density and comprising of a layout and quantum of internal space and room sizes that accord with the advice contained in the “Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities, 2007”, together with the quantum of private amenity space, car parking and access arrangements, it is considered that the proposals represent an appropriate form and density of development and that Condition 2 should be REMOVED to reflect the character of the area and to maximise the development potential of the site.

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Donal Donnelly  
Planning Inspector

21<sup>st</sup> August 2018