



An
Bord
Pleanála

Inspector's Report ABP-302299-18

Development	Retention for subdivision of house into three apartments and a storage shed together with all ancillary site works
Location	Claiomh solais, Knockthomas, Castlebar, Co Mayo
Planning Authority	Mayo County Council
Planning Authority Reg. Ref.	18460
Applicant(s)	John Hughes
Type of Application	Retention Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Sylvia Nagle and Mark Jordan
Observer(s)	None
Date of Site Inspection	20 th November 2018
Inspector	Una O'Neill

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1.0 Site Location and Description

- 1.1. The subject site is located on the western side of Thomas Street Upper, in a predominantly residential street, just north of Castlebar Town Centre and the core retailing area.
- 1.2. The site, which has a stated area of 0.31ha, comprises a semi-detached bungalow with a storey and a half rear extension. The adjoining property to the north is occupied by an Acupuncture and Physiotherapy Clinic, with parking to the rear.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Retention of subdivision of one dwelling unit into three x 1-bed apartments.
 - Apartment 1 is 62sqm in area.
 - Apartment 2 is 60sqm in area.
 - Apartment 3 is 45sqm in area.
 - Retention of existing storage shed in rear garden

3.0 Planning Authority Decision

3.1. Decision

Permission GRANTED, subject to 2 conditions. Condition 2 relates to contributions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's report generally reflects the decision of the Planning Authority.

3.2.2. Other Technical Reports

Road Design Office: No objection subject to conditions in relation to surface water, contribution for payment toward 5 car parking spaces and condition requiring the provision of 6 bicycle parking space.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

One third party observation was received, which is largely summarised within the grounds of appeal hereunder.

4.0 **Planning History**

P16/998 – Permission REFUSED for retention of the subdivision of one dwelling into three apartments and retention of a domestic shed (22/06/17).

R1: The proposed apartments area and sizes are below the minimum standards...proposal would result in a substandard development and would seriously injure the amenities of existing and future occupants.

R2: The development would result in poor residential amenity...with regard to the lack of private open space and lack of parking. The development would constitute overdevelopment of the site and over concentration of apartment units...which would seriously injure the amenities and depreciate the value of property in the vicinity.

P009/02776 – Permission GRANTED for a storey and a half extension to rear.

5.0 **Policy Context**

5.1. **National Policy**

- Project Ireland 2040 National Planning Framework (2018)
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2018

5.2. **Mayo County Development Plan 2014-2020**

Within the settlement strategy, Ballina and Castlebar are identified as linked hubs. The Castlebar-Ballina linked hub and Westport each have separate stand-alone statutory Development Plans which incorporate Core Strategies for these towns and their environs.

5.3. **Castlebar Town and Environs Development Plan 2008-2014 (as extended)**

- **Zoning Objective A:** Existing Residential / Infill

It is an objective to protect, preserve, improve and develop existing residential areas; to provide for appropriate infill residential development; to provide for new and improved ancillary services and to provide for facilities and amenities incidental to those residential areas.

- **HO1:** It is an objective of the council to meet the needs of the enlarging and diversifying population of Castlebar and its environs through the provision of a suitable range of residential types, sizes and styles and in particular to meet the requirements of smaller household size.

- **HO 5:** It is an objective to consolidate the development of the town of Castlebar by permitting higher density on the residentially zoned lands and other lands zoned for residential and a mix of other uses, which are closest to the town centre.

- **HO 6:** It is an objective of the Council to develop infill sites in existing residential areas of the towns as a means of providing additional housing and increasing density.

- **HP 8:** To require a high standard of design and layout of all residential developments in view of requirements for the increase of density of residential development.

- **Section 14.6.2:** Layout and Design of Apartments and Flats

The conversion of houses to flats in predominantly single family dwelling areas will not normally be permitted as such conversions could lead to deterioration in the residential amenities of these areas. However, the subdivision of large houses and houses on primary traffic routes and in the town centre may be permitted in certain circumstances.

5.4. **Natural Heritage Designations**

The nearest Natura site is the River Moy SAC (Site Code 002298) approx. 4 km to the north of the site and 6km to the east.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

A third party appeal has been lodged from the adjoining semi-detached bungalow to the appeal site. The adjoining building is in use as a physiotherapy and acupuncture clinic. The grounds of appeal are summarised hereunder:

- Concerns are raised that the objection was not appropriately considered in the planner's report and decision of the planning authority.
- The assessment was based around the previous reasons for refusal under P16/998 and not on the merits of the application.
- The reasons for the previous refusal have not been overcome in this retention application. To overcome the issue of apartment sizes, the apartments have been renamed as one bed units instead of two bed units. The first reason for refusal appears to have been overcome by the enclosing of a porch.
- The application was deemed by the planning authority to be exempted from the provisions of the Design Standards for New Apartments. This only applies subject to overall design quality and location, which is not the case in this development, which overall establishes a negative precedent.
- With regard to the parking issue, the application of levies does not overcome the issue. There is no provision for on street parking. Tenants leave their cars parked on the street during the day and walk to work. This creates problems for the adjoining business.
- Apartment 1 was previously let as an office unit to Western Care staff from approx. March to April of 2016.
- The applicant claims the property was dilapidated. There were no issues previously in terms of the quality of the building.

- Apartment 1, previously called a two bed unit and now named a one bed unit is poorly configured with poor natural daylight and awkwardly proportioned rooms, as commented by Mayo County Council architect in the previous application.
- Apartment 2, also previously a two bed unit, in now a one bed unit and is also of poor layout.
- Apartment 3 is a one bed unit, which previously has a floor are of 42sqm and now has a floor area of 45sqm, which was achieved by converting the open porch to a closed porch.
- Fire regulations, particularly in terms of first floor access, are not met.
- The apartments do not meet building regulation requirements in terms of disabled access.
- Private amenity space does not exist for all apartments.
- Refuse storage is not clear for all the apartments. Apartment 1 has no direct access to the rear of the property. A bin is regularly left in the driveway to the side of the property.
- With regard to the argument put forward in terms of homelessness, a search of daft indicates a sufficient supply of apartments for rent in Castlebar. This area of Castlebar is not suffering from urban decay as suggested.
- The proposal constitutes overdevelopment and serious intensification of use which the site cannot cope with. To grant permission would set an undesirable precedent.

6.2. Applicant Response

The applicant's response to the grounds of appeal is summarised as follows:

- The current development now meets the minimum requirements in terms of floor area of the apartments, in accordance with national guidelines. The apartments are now 1 bed units, as opposed to previous application for 2 x 2 bed units and 1 x 1 bed unit and are 60sqm, 62sqm and 45sqm in area.

- With regard to private open space, given the limitation of the existing building, a communal open space area is provided to the rear of the property. The document Design Standards for New Apartments – Guidelines for Planning Authorities (2018) states that for building refurbishment or urban infill schemes, private open space requirements may be relaxed in part or whole, subject to overall design quality.
- The development is considered to be a building refurbishment scheme, given it involves the refurbishment of a derelict building.
- Adequate storage facilities are provided. There are 2 large 4 wheel communal bins to the rear of the property.
- One designated car parking space is provided on site. There is ample public on street parking available on the street adjacent to the development. Section 17.5 of the Mayo County Development Plan 2014-2020 states that in instances where the applicant is unable to achieve minimum parking standards, the council may consider a financial contribution in lieu of the shortfall of spaces. This will apply to town centre areas where car dominated trips are discouraged. As per the national guidelines, for building refurbishment schemes, car parking standards may be relaxed in part or whole, subject to overall design quality and location.
- The proposal will assist in addressing housing and homelessness crisis.

6.3. **Planning Authority Response**

None.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 Assessment

7.1. The applicant has converted an existing semi-detached bungalow into three x 1-bed apartments and seeks retention permission for the works undertaken.

Zoning

7.2. The subject site is located within zoning objective A, existing residential / infill, whereby 'it is an objective to protect, preserve, improve and develop existing residential areas; to provide for appropriate infill residential development; to provide for new and improved ancillary services and to provide for facilities and amenities incidental to those residential areas'. The provision of residential development is considered acceptable in principle within the zoning objective for the area.

7.3. I consider that the relevant issues in determining the current appeal before the Board are as follows:

- Design & Residential Amenity
- Car Parking

Planning History

7.4. Permission was previously refused on this site by Mayo County Council (reg ref 16/998) for retention of subdivision of residential dwelling into three apartments, two of which were two bed units and one was a one bed unit. Reasons for refusal related to failure to meet minimum standards in terms of apartment sizes, private open space and parking.

7.5. This application differs from the previous application in that apartments 1 and 2, which were two bed units, are now labelled as one bed units, with the second bedroom in each now labelled a sitting room/dining room. Apartment 3, which remains a one bed unit, is considered to have an increased floor area than previously proposed, achieved through the addition of a trellis adjoining the area where the recessed entrance is located and the labelling of this as a store.

Design & Residential Amenity

7.6. The third party considers the reasons for the previous refusal have not been overcome through the changes proposed, which involves the renaming of the previous two bed apartments to one bed units and the enclosing of a porch to the

one bed unit. It is considered the applicant does not meet the provisions of the Design Standards for New Apartments given the poor design quality and standards should not be reduced on this basis. It is contended that the proposal constitutes overdevelopment and serious intensification of use and to grant permission would set an undesirable precedent.

- 7.7. The applicant in response considers the development meets the minimum requirements in terms of floor area of the apartments and is in accordance with national guidelines. With regard to private open space, given the limitation of the existing building, a communal open space area is provided to the rear of the property. The apartment guidelines state that for building refurbishment or urban infill schemes, private open space requirements may be relaxed in part or whole, subject to overall design quality.
- 7.8. I have assessed the proposed development against the guidelines Sustainable Urban Housing: Design Standards for New Apartments (2018). Upon site inspection, I was facilitated access to apartments 1 and 3, but access to apartment 2 was not possible.
- 7.9. The guidelines contain several specific planning policy requirements (SPPR) with which the proposed apartments must comply. SPPR3 of the guidelines states minimum apartment floor areas. One bed units shall have a minimum floor area of 45sqm and two bed units 64sqm-73sqm. Appendix 1 of the guidelines further sets out internal space requirements, as well as private amenity and communal amenity requirements.
- 7.10. I note no furniture has been indicated on the plans submitted and internal storage spaces have not been clearly identified or labelled. With regard to apartment 3, I do not consider the outdoor porch area, which incorporates a trellis (not included in the previous application) can be included as part of the internal floor dimensions of the unit. The floor area of this one bed apartment is approx. 40sqm by my calculations, which is below the minimum size of a one bed unit. The aggregate floor area for the living room/kitchen area is 18.8sqm, which is below the minimum aggregate floor area of 23sqm, as set out in the design standards for new apartments. Furthermore, I consider that the layout of the unit, which is narrow in form, with a recessed entrance results in limited natural light available to the kitchen/living area. While

there is a roof light toward the rear of the unit, overall I consider the level of light and outlook in general to be substandard.

- 7.11. With regard to apartment 2, the layout indicates a living room and kitchen at ground floor level. At first floor level is a sitting room and bedroom. I do not consider the overall layout differs significantly from the previous layout refused by Mayo County Council and the unit could reasonably be utilised as a two bed unit, with no rationale for a second sitting room at first floor level provided. If assessed as a two bed unit, the apartment would not meet minimum standards. Overall I do not consider the layout to be the most efficient use of space for a one bed unit.
- 7.12. Apartment 1 has been subdivided from the remainder of the dwelling in such a way that the main dining room has been left with no external window with the insertion of a rooflight for natural daylight. As with apartment 2, the layout has not differed significantly from the previously refused layout and the second dining room could feasible be utilised as a bedroom, in which case the floor area of the apartment would be considered substandard. Overall I consider the manner in which the building has been subdivided results in a poor level of amenity and outlook.
- 7.13. In my view the subdivision of this dwelling into three apartments does not meet minimum standards, and given the manner in which it has been subdivided, has resulted in poor access to natural daylight, poor outlook from certain rooms, and poor layout and circulation standards achieved. The subdivided building overall constitutes overdevelopment.

Private and Communal Open Space

- 7.14. The apartment guidelines state in relation to floor-ceiling heights, communal open space and private open space that 'for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space and private amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality'. I accept the proposal involves the conversion of an existing bungalow dwelling within an inner urban area and with this in mind I have considered a reduction in amenity area may be possible, subject to overall design quality.
- 7.15. A communal rear garden area exists, which was the former private garden of the single dwelling and is approx. 85sqm in area. No private amenity space is proposed.

I note that no privacy strip exists to the rear of the two apartments which are accessed from the rear. I note that apartment 1 has no direct access to the rear communal area or to the side of the house, with occupants having to exit onto the public street to re-enter the side of the property to access the garden. While the apartment guidelines allow for a reduction in standards subject to design quality, given the manner in which the building has been subdivided, I consider the overall layout and access arrangements to the communal area to be unsatisfactory.

Car Parking

- 7.16. The third party considers there is insufficient parking in the area and the existing apartments put pressure on parking in the area.
- 7.17. The applicant refers to section 17.5 of the Mayo County Development Plan 2014-2020 which states that in instances where the applicant is unable to achieve minimum parking standards, the council may consider a financial contribution in lieu of the shortfall of spaces. The applicant also quotes the National Planning Framework, where for building refurbishment schemes, car parking standards may be relaxed in part or whole, subject to overall design quality and location.
- 7.18. I note the appeal site is centrally located proximate to Castlebar Town Centre and the commercial area and is in close proximity to a range of services within walking distance. It is an objective of the NPF to support the growth of cities versus their outward expansion through increase densities and better utilisation of existing sites within urban areas. I accept the approach of Mayo County Council to accept a contribution in lieu of parking on the subject site.

Other Matters

- 7.19. I note the concerns raised by the third party that due consideration was not given to their objection, given the planners report did not acknowledge the receipt of their submission within its assessment. It is, however, a matter for Mayo County Council to address procedural issues within the council and not for the Board. I have fully considered and taken account of all aspects of the third party grounds of appeal in the assessment of this application.
- 7.20. With regard to issues raised in relation to fire and building regulations, these are subject to a separate code to planning, albeit I note there appear to be issues in particular with regard to access for all.

Appropriate Assessment

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

Environmental Impact Assessment

- 7.22. The proposed development is not of a class for the purpose of EIA.

8.0 Recommendation

- 8.1. It is recommended that permission for retention be refused.

9.0 Reasons and Considerations

Having regard to the poor internal layout and scale of the apartments, limitations in access to natural light, as well as limitations in terms of access and design of communal open space, it is considered that the development to be retained constitutes overdevelopment of the site, would be seriously injurious to the residential amenities of existing and future occupants, and is contrary to the provisions of the Sustainable Urban Housing Design Standards for New Apartments (2018), in particular Apartment 3, which is substandard in relation to the minimum size for a one bed apartment. The development therefore would overall be contrary to the proper planning and sustainable development of the area.

Una O'Neill
Senior Planning Inspector

12th December 2018