



An
Bord
Pleanála

Inspector's Report ABP303193-18

Development	Renovate House including alterations to the elevations and increase in roof height to create a new first floor level within the dwelling.
Location	Leckanvy, Westport, County Mayo.
Planning Authority	Mayo County Council.
Planning Authority Reg. Ref.	18622.
Applicant	Brid McGing.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party -v- Refusal.
Appellant	Brid McGing.
Observers	None.
Date of Site Inspection	8 th February, 2019.
Inspector	Paul Caprani.

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1.0 Introduction

ABP303193-18 relates to a first party appeal against the decision of Mayo County Council to issue notification to refuse planning permission for the renovation of a house including elevational alterations, increase in ridge height and an attic conversion along with ancillary works. Mayo County Council issued notification to refuse planning permission for two reasons firstly, on the grounds that the proposal would adversely impact on the visual amenities of a designated scenic route and secondly, that the scale of the proposed development would be out of character with the prevailing pattern of development in the immediate area. The subject site is located in the small settlement of Leckanvy on the Westport/Louisburg Road in West Mayo.

2.0 Site Location and Description

- 2.1. Leckanvy is a small settlement located midway between the towns of Westport and Louisburg on the R335, south of Clew Bay in west Mayo. The house which is the subject of the appeal, is located centrally within the settlement and faces northwards onto Clew Bay. The foot of Croagh Patrick is located on lands to the rear of the site. The site is rectangular in shape and accommodates a relatively modest sized bungalow with an A-shaped gable on the front elevation. A small shed is located to the rear. The site is between 50 and 60 metres in depth and 23 metres in width. The house is situated on a site which is 0.128 hectares in size. Two dwellings are located on plots to the immediate west of the subject site. The contiguous plot of land to the immediate east is undeveloped. Approximately 40 metres further east a single-storey traditional style rural cottage is located. There are no dwellings on the northern side of the road directly opposite the site. The dwellings adjacent to the subject site are both single-storey. The dwelling located approximately 40 metres further west is two-storey.
- 2.2. The existing dwelling on the subject site comprises of a relatively modern bungalow type dwelling probably constructed in the 1970s (see photographs attached). The existing dwelling comprises of a three-bedroomed house with a small sitting room, living room and kitchen/dining area to the rear.

3.0 Proposed Development

- 3.1. Planning permission is sought to alter the proposed dwelling by increasing the overall height of the structure to accommodate an additional floor within the roof pitch. The overall roof height of the house is to increase from c. 5.6 metres to 6.312 metres. The overall footprint of the building is to be essentially retained as is. The proposal will also involve significant internal alterations with an increase in the dining and kitchen area together with internal alterations to the existing utility and shower room at ground floor level. Bedroom No. 1 at ground floor level is to be turned into an office/playroom. One of the bedrooms is to remain at ground floor level. At first floor level it is proposed to provide two larger bedrooms including one with an en-suite bathroom. It is proposed to provide a mezzanine type floor in the landing area with a void to the dining area below and a void to the living room to the front of the house. The floor to ceiling height at first floor level rises to a maximum of 2.5 metres.
- 3.2. It is also proposed to incorporate a number of velux windows into the roof profile including the incorporation of a boxed shaped dormer window on the southern elevation. A new large glazed area is to be located on the A-shaped gable on the front elevation of the house.

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. Mayo County Council issued notification to refuse planning permission for two reasons. These are set out in full below:
1. *The proposed development, due to the visual impact of excessive alterations proposed to the existing house contravenes Objective VP1 of the Mayo County Development Plan 2014 to 2020 as it would adversely impact on a designated scenic route and scenic prospect worthy of preservation and protection as outlined in Map 4 of the Plan. The proposed development would interfere with the character of the landscape and with a view of special amenity value any of which it is necessary to preserve.*

2. *The proposed development, due to the scale of the works proposed, would be out of character with the prevailing pattern of development in the immediate area and, if permitted, would set an undesirable precedent for similar type developments which would seriously injure the amenities and depreciate the value of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.*

4.2. **Documentation Submitted with the Planning Application**

- 4.2.1. The planning application was accompanied by a completed planning application form, set of drawings and public notices along with planning application fee.
- 4.2.2. A covering letter submitted with the planning application notes that the applicant has had pre-planning discussions in relation to a number of design options with respect to the renovation of the existing property. The renovations in the current application include the redesigning of the front projecting gable and this, it is argued, is in accordance with the Rural Housing Guidelines. It is also stated that the application has taken the concerns of the Planning Authority on board with regard to maintaining scenic views and that the c.700 millimetre increase in ridge height does not dramatically impact on these views.

4.3. **Assessment by Planning Authority**

- 4.3.1. In a letter dated 4th October, 2018 Mayo County Council requested the applicant to submit the following:
 - Submit a roof plan of the proposed development, as the roof plan of the site layout appears to show the existing development and not the proposed development on site. It is noted that the chimney to the side of the house is not shown.
 - Resubmit section B-B clearly showing the outline of the existing house in green as demonstrated on Section A-A as submitted as part of the application.
- 4.3.2. By way of advice note Mayo County Council expressed concerns relating to the front elevation of the proposed development and in particular the height of the front

projecting gable element and the velux type windows to the front elevation. The applicant is asked to clarify if this projecting element can be scaled down and if the velux type windows can be removed from the overall design of the proposed development.

4.3.3. **Further information** was submitted on behalf of the applicant on the 19th October, 2018. It includes details of the following:

A site layout showing the roof plan.

A section B-B which outlines the existing dwelling in green.

4.3.4. It is stated that in relation to the advice note, the current dwelling has a projecting gable. It is proposed to convert this into a T-shaped design. The applicants have previously revised the design during discussions from a number of planning clinics and considered the current proposal to be an acceptable compromise for all. The velux type windows are required for light purposes to comply with the Building Regulations.

4.3.5. The planner's report notes that the site is located on a road which is a designated scenic route and a highly scenic view as indicated on Map 4 of the current county development plan. It is considered that the current application should be assessed in terms of policy/objective VP-01 of the county development plan which seeks to protect views and prospects deemed worthy of preservation in the county. It is also considered that the current proposal does not go far enough in maintaining the single-storey scale of the existing dwelling thereby protecting the existing designated views in the area. In light of the above it is recommended that planning permission be refused for the two reasons set out in Mayo County Council's decision.

5.0 **Planning History**

5.1. No history files are attached. There is reference to a planning history associated with the site in the planner's report and this is briefly set out below.

It appears that the parent permission for the dwelling was granted under P70/877.

Planning permission was sought in 1994 for the construction of a self-contained single-storey dwelling attached to the rear of the property and the installation of a

puraflo system on site to cater for the sanitary requirements. Permission was refused on the grounds relating to the effluent treatment system proposed.

Under P15/34 planning permission was granted for the retention of minor changes to the house.

Under P17/340 planning permission was sought to increase the internal floor area of the existing house by 102 square metres. This was to be achieved by increasing the ridge height of the building. However, this application was withdrawn prior to a formal decision being made.

6.0 Grounds of Appeal

6.1. The decision was appealed on behalf of the applicant by Keith O'Connell Chartered Engineer. The grounds of appeal are outlined below.

- While Objective VP-01 of the development plan and Map 4 of the said plan are acknowledged, it is not considered that the alterations can be regarded as excessive. The increase in height of the dwelling by 664 millimetres will not interfere with the character of the landscape. The planner's report incorrectly states that the increase in roof height amounts to 1.15 metres. The actual increase is clearly and concisely indicated in the drawings.
- Furthermore, it is argued that there is no prevailing pattern of development in the area other than ribbon development and there is no definitive architectural style inherent in the area. The applicant's property is set back from the front boundary of the site and the renovation work is largely based within the footprint of the existing building. With regard to the issue of precedent, it is argued that this contention is nonsensical and was never raised during either the planning application or the multiple discussions which took place at the planning clinics. Furthermore, the planner's report does not submit any evidence as to how the proposed development will negatively impact on property values in the area.
- The appellant, having carried out desktop and on-site inspections of properties in the area, contends that the original proposal was suitably designed and would positively impact on property values in the area. It is

suggested that the applicants have merely upset the planning officials by refusing to omit both the projecting gable which exists on the house and the rooflight windows on the front elevation.

- 6.2. In conclusion therefore, it is argued that the proposed alterations are not excessive and do not interfere with the character of the landscape nor will it set a precedent or injury to the amenity of the area. An Bord Pleanála are therefore requested to carefully consider the merits of this planning appeal and find in favour of the appellant.

7.0 Appeal Responses

It appears that Mayo County Council have not submitted a response to the grounds of appeal.

8.0 Development Plan Provision

- 8.1. The site is governed by the policies and provisions contained in the Mayo County Development Plan 2014 to 2020. The site is located in a rural area and is not governed by any zoning objective.
- 8.2. The landscape appraisal for County Mayo (an appendix to the development plan) contains scenic routes and protected views in Map 4. The R335 between Westport and Louisburg is designated as a scenic route and also designated for scenic views.
- 8.3. Policy LP-01 states it is an objective of the Council, through the landscape appraisal of County Mayo, to recognise and facilitate appropriate development in a manner that has regard to the character and sensitivity of the landscape and to ensure that development will not have a disproportionate effect on the existing or future character of the landscape in terms of location, design and visual prominence.
- 8.4. Policy VP-01 states that it is an objective of the Council to ensure that the development does not adversely interfere with views or prospects worthy of preservation as outlined on Map 4 or on views to and from places and features of natural beauty or interest (e.g. coastline, lakeshore, protected structures, important historic sites) when viewed from the public realm.

8.5. Volume 2 of the development plan which sets out planning standards states in Section 2.3.4 that, in areas along the sea, estuaries and lake shorelines (referred to as scenic areas), only planning permission for replacement housing, extensions or where the farmer has no other land except in those areas will be allowed and the scenic views will be protected as much as possible.

9.0 **Assessment**

I have read the entire contents of the file, visited the subject site and its surroundings and have had particular regard to the Planning Authority's reasons for refusal and I consider the Board should have regard to the following in determining the current application and appeal

- Site and Scale of Proposed Extension
- Impact on the Visual Amenities and Character of the Area
- New Issue

9.1. **Size and Scale of Proposed Extension**

9.1.1. The proposed extension in my view cannot be considered to be of excessive size and scale. It is proposed to essentially retain the existing footprint of the house. The increase in size is restricted to an increase in height of the overall dwelling, the footprint remains the same. I consider that the appellant's assertion is correct in that the local authority planner the assessment incorrectly calculated the overall increase in height as being 1.15 metres. The actual increase in height is approximately 704 millimetres. It appears that the local authority planner in calculating the height of the dwelling appears to have calculated the increase in height from the dimensions shown on the 'side elevation – west' in Drawing No. 3 submitted with the application. The highest ridge height of the existing structure is indicated as being 5.608 (see front elevation north of Drawing No. 3). It is proposed to increase the height of the entire building (excluding chimney stack) to 6.312. The increase in the building height of less than three-quarters of a metre will not in my view have a significant or profound impact in terms of the overall increase in size and scale of the building. The fact that the building is set back in excess of 20 metres from the public roadway will also assist in reducing the visual impact of the building. Drawing No. 10 submitted by way of additional information, indicates the size and scale of the proposed extension

in the context of the existing building. It cannot in my view be argued that the overall size and scale of the building has been increased significantly notwithstanding the fact that the site is located within a designated scenic area. The presence of four modestly sized velux windows on the front pitch of the roof does not result in a significant or incongruous addition to the dwellinghouse which can be considered to detract in material terms from the visual amenities of the area.

- 9.1.2. Should the Board deem it appropriate it could reduce the size of the window on the A-shaped gable element on the front elevation in order to address any concerns that the window in question impacts on the visual amenity of the area.
- 9.1.3. The Board will note from the photographs attached that the bungalow in question is not of any architectural or vernacular importance. The dwelling in question appears to date from the 1970s and is very typical of many standard bungalow type developments from this era.

9.2. **Impact on the Visual Amenities and Character of the Area**

- 9.2.1. Following on from my arguments above, which concludes that the size and scale of the proposed extension and alterations is relatively modest in size, consequently I do not consider that the proposed development will have any adverse impact on the overall visual amenities or character of the area. As the applicant points out in the grounds of appeal there is no standard or definitive architectural style associated with the dwelling and the dwellings in the vicinity. The photographs attached indicate that there are an array of dwelling types and styles along the section of road in the immediate vicinity of the subject site. The adjacent house to the east of the subject site constitutes a refurbished late 19th century single-storey cottage whereas the contiguous dwelling to the immediate west comprises of a rectangular flat roofed single-storey dwelling of 20th century origin with large protruding chimneys. A larger two-storey renovated late 19th century cottage is located further west. The proposed development in my view will not in any way look incongruous so as to detract from the visual amenities of the area. The modest scale and nature of the renovations proposed will not in my view adversely impact on the visual amenities of the area having regard to the range of existing styles along the roadway. The scenic amenity associated with the R335 relates to the natural environment, and in particular the back-drop of Croagh Patrick and not the built environment. Hence the modest

increase in the roof profile and ridge height of the existing dwelling will not be of such consequence as to impinge on the visual amenities of the area so as to result in a contravention of Policy VP-04 of the development plan. Based on the above assessment I can conclude that the proposal does not adversely interfere with the views and prospects along this section of the road when viewed from public vantage points and the public realm in the vicinity.

- 9.2.2. Based on the assessment above therefore I conclude that the proposal involves a modest increase which does not adversely impact on the visual amenities of the area will not set an undesirable precedent and will not result in the depreciation in the value of property in the vicinity of the site. Furthermore it is a reasonable expectation that a house can be altered in order to cater for the change needs and requirements of a family.

9.3. **New Issue**

- 9.3.1. Although not referred to in the local authority planner's report, there appears to be a material issue on the basis of the drawings submitted that the proposed development may not comply with building regulation requirements with regard to the minimum floor to ceiling heights in the attic space. Part F of the Building Regulations specifically relates to ventilation. Diagram 3 of the said document sets out the suggested height of habitable rooms. In relation to attics, Part F of the Regulations indicates that you must have a minimum ceiling height of 2.4 metres for 50% of the floor area which is above 1.5 metres in height. It appears in this instance that the 2.4-metre-high floor to ceiling height is less than 50% of the area of the attic which is 1.5 metres above floor level. I estimate based on the sectional drawings submitted (see Section A-A and B-B of Drawing No. 8) submitted by way of additional information, that the area of attic space 1.5 metres above the first-floor level amounts to approximately 62 square metres. The area of floor space at 2.4 metres above first floor ground level is estimated to be just less than 24 square metres. The proposed development therefore does not appear to comply with the requirements of Part F of the Building Regulations.
- 9.3.2. If the same exercise was applied merely to the habitable rooms at first floor level i.e. Bedroom No. 3 and Bedroom No. 2, I estimate the floor area above 1.5 metres in both these rooms amount to c.25 square metres whereas the area where the floor to

ceiling height extends to 2.4 metres, amounts to approximately 10 square metres. It appears therefore based on my approximate calculations that the proposed floor to ceiling height for attic space do not comply with Part F of the Building Regulations.

- 9.3.3. I consider there are two options open to the Board. Firstly, it could refuse planning permission on the basis that it appears from the drawings submitted that the proposed development does not comply with adequate floor to ceiling heights for attic areas as required in Part F of the Building Regulations and as such the proposed development constitutes substandard residential development which is contrary to the proper planning and sustainable development of the area.
- 9.3.4. Secondly, and more appropriate in my opinion, An Bord Pleanála could request additional information requesting the applicant to indicate whether the proposed development complies with the requirement of the Building Regulations in relation to roof height in attic spaces. As the proposal constitutes a new issue I consider it appropriate and in the interest of natural justice that the applicant be permitted to comment on this issue before the Board reaches any firm conclusion in respect of compliance with the Building Regulations.

10.0 **Appropriate Assessment**

Having regard to the nature and scale of the proposed development and nature of the receiving environment together with the proximity to the nearest 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.

11.0 **EIA Screening Report**

The proposal does not constitute a class of development for which an EIAR is required.

12.0 **Decision**

Request additional information in relation to the following:

On the basis of the drawings submitted with the planning application including the additional information drawings submitted to the Planning Authority on 19th day of October, 2018 the Board is not satisfied that the proposed attic space within the roof pitch complies with Part F of the Irish Building Regulations which requires that habitable rooms within the attic space must have a minimum ceiling height of 2.4 metres for 50% of the floor area which is above 1.5 metres in height. The applicant is requested to provide details and calculations demonstrating that the proposed development is fully in compliance with the requirements of Part F of the Irish Building Regulations in relation to minimum ceiling heights within the roof pitch.

Paul Caprani,
Senior Planning Inspector.

10th February, 2019,